

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: September 17, 2009

ZMAP 2007-0001, SPEX 2008-0047 & SPEX 2008-0048 – Dulles Town Center

DECISION DEADLINE: September 30, 2009

ELECTION DISTRICT: Potomac

PROJECT PLANNER: Stephen Gardner

EXECUTIVE SUMMARY

DTC Partners LLC of Rockville, Maryland has submitted an application to rezone approximately 200.4 acres from the PD-OP (Planned Development – Office Park), PD-IP (Planned Development – Industrial Park), and PD-CH (Planned Development – Commercial Highway) zoning districts under the 1972 Zoning Ordinance and the 1993 Zoning Ordinance to the PD-OP (Planned Development – Office Park), PD-TC (Planned Development – Town Center), and PD-CC-CC (Planned Development – Commercial Center – Community Center) zoning districts under the Revised 1993 Zoning Ordinance in order to develop a mixed-use community consisting of 1,230 multi-family units, at an overall residential density of approximately 6.1 dwelling units per acre, and up to 5,775,000 square feet of office, commercial, and retail uses, at an overall Floor Area Ratio (FAR) of approximately 0.66. The property is located partially within the FOD (Floodplain Overlay District) and within the Route 28 Taxing District. The applicant has also submitted applications for special exceptions to permit an automobile service station within the proposed PD-CC-CC zoned portion of the property and a hotel/motel in the proposed PD-OP zoned portion of the property. These special exception applications are subject to the Revised 1993 Zoning Ordinance and the proposed uses are listed as Special Exception uses under Sections 4-204(B)(2) and 4-304(C) (subject to the Additional Regulations set forth in Section 5-611), respectively. The Applicant is also requesting modification of the Revised 1993 Zoning Ordinance, the Land Subdivision and Development Ordinance (LSDO), and the Facility Standards Manual (FSM) related to district size, building / parking setbacks, lot coverage, height, civic / residential uses, block frontages, sidewalks, buffering, parking spaces, vehicular access, and travel lane / parking aisle width. The property is located on the south side of Harry Byrd Highway (Route 7), the east side of Sully Road (Route 28), west of City Center Boulevard (Route 1949), and along both sides of Atlantic Boulevard (Route 1902) and Dulles Center Boulevard (Route 2124) in the Potomac Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Sterling Community)), which designates this area for Keynote Employment uses and as the Urban Center at a Floor Area Ratio (FAR) up to 1.0, and residential uses with densities up to 24 dwelling units per acre.

RECOMMENDATION

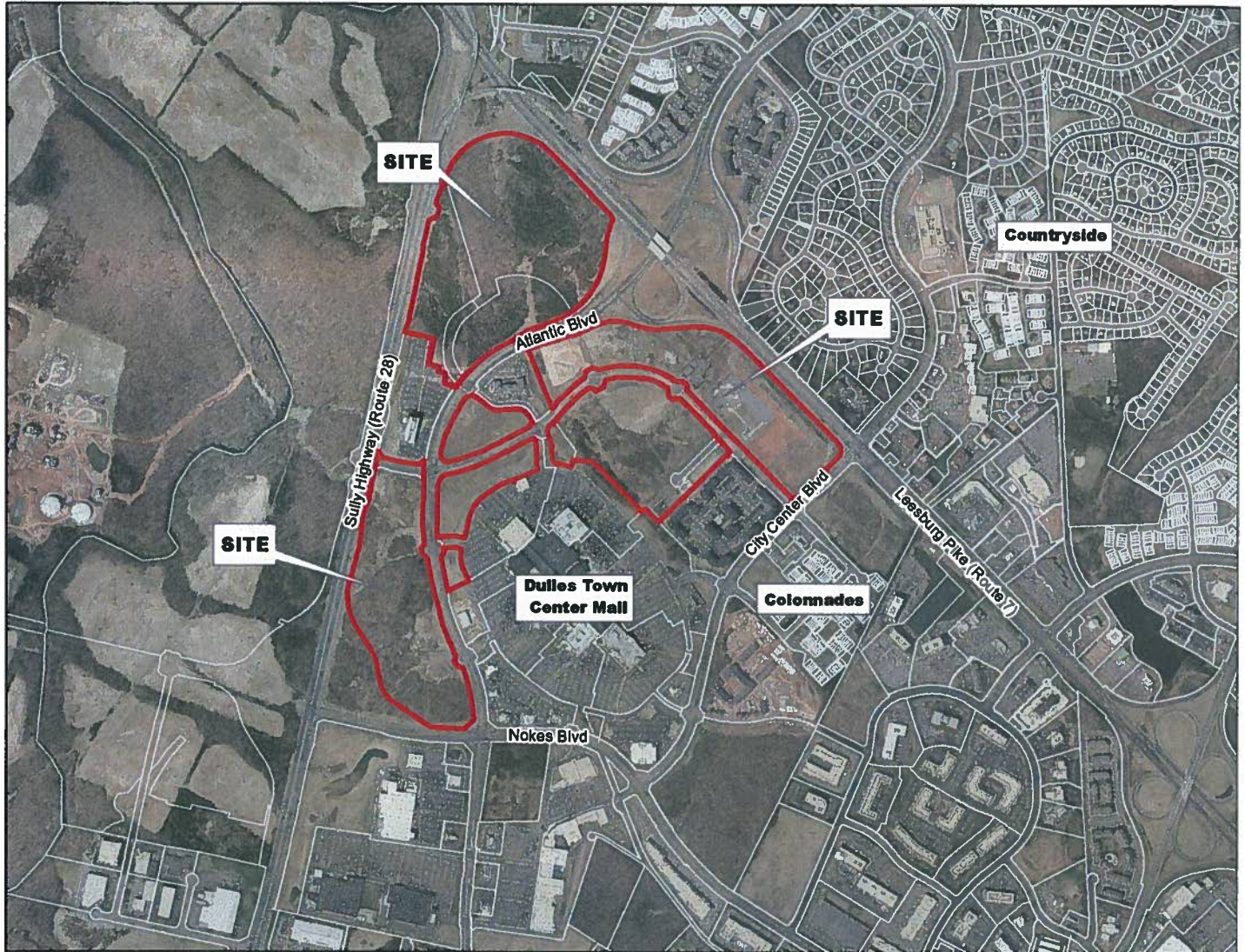
Staff cannot support this application at this time. Commitments by the Applicant include Vestals Gap Park II, the Mass Transit Facility, and Commuter Parking spaces as well as design principles that implement the Revised General Plan's vision for the Urban Center and areas designated as Keynote Employment. Notwithstanding, a number of key issues remain outstanding, including consistency with the recommended Land Use Mix regarding civic uses, inclusion of Land Bay CC-1,

additional design commitments, as well as mitigation of impacts to capital facilities and transportation infrastructure. Staff recommends the application be referred to Work Session for additional discussion.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZMAP 2007-0001, SPEX 2008-0047 & SPEX 2008-0048, Dulles Town Center, to a Work Session for further discussion.
OR,
2. I move that the Planning Commission forward ZMAP 2007-0001, SPEX 2008-0047 & SPEX 2008-0048, Dulles Town Center, to the Board of Supervisors with a recommendation of denial.
OR,
3. I move that the Planning Commission forward ZMAP 2007-0001, SPEX 2008-0047 & SPEX 2008-0048, Dulles Town Center, to the Board of Supervisors with a recommendation of approval.

VICINITY MAP



Directions:

From Leesburg, take Route 7 east to the Dulles Town Center / Atlantic Boulevard interchange. Merge onto Atlantic Boulevard. The property is on both sides of Atlantic Boulevard. Alternate access to the site is from Nokes Boulevard by means of Route 28 or from City Center Boulevard.

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I. APPLICATION INFORMATION

APPLICANT

DTC Partners LLC
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2000 Tower Oaks Boulevard; Eighth Floor
Rockville, MD 20852

REPRESENTATIVE

Reed Smith LLP
Attn: Ann E. Goode, AICP
44084 Riverside Parkway, Suite 300
Leesburg, VA 20176

APPLICANT'S REQUEST

A Zoning Map Amendment to rezone approximately 200.4 acres from PD-OP, PD-IP and PD-CH to PD-OP, PD-TC and PD-CC to allow a mix of office, retail and multi-family residential in a town center format. A Special Exception to allow a Hotel in the PD-OP zoning district and an Automobile Service Station in the PD-CC zoning district.

LOCATION

Property located on the south side of Route 7, east side of Route 28 and north side of Nokes Boulevard in the Dulles Town Center.

TAX MAP/PARCEL #s

Tax Map - /80//23////B3/	MCPI - 029-47-1839-000
Tax Map - /80////////97/	MCPI - 029-25-1669-000
Tax Map - /80////////102/	MCPI - 029-37-6224-000
Tax Map - /80//23////B1/	MCPI - 029-35-5034-000
Tax Map - /80//36////1/	MCPI - 028-15-4517-000
Tax Map - /80//36////2/	MCPI - 041-40-8718-000
Tax Map - /80//36////3/	MCPI - 029-45-5622-000

ZONING

PD-OP, PD-IP & PD-CH

ACREAGE OF SITE

200.4 acres

SURROUNDING ZONING / LAND USES

	ZONING	PRESENT LAND USES
North	CR-1, R-8, R-16, PD-H3	Single-Family, Multi-Family Residential
South	PD-SC	Regional Shopping Center
East	R-16, PD-SC	Single-Family Attached, Multi-Family Residential
West	PD-IP	Vacant

II. SUMMARY OF DISCUSSION

Topic	Issues Reviewed and Status
Comprehensive Plan	<ul style="list-style-type: none"> • Demonstrate the land use mix proposed for Land Bays TC-1, TC-2, and TC-3, the area to be rezoned PD-TC (Planned Development – Town Center), is in conformance with the <u>Revised General Plan</u>. Status: Unresolved; the Plan identifies this area is suitable for the development of an urban center, a mixed-use community to include both residential and non-residential land uses. The percentage of residential and non-residential land uses are in general conformance with the Plan. However, the percentage of public and civic uses proposed, six percent (6%), is not in conformance with the Plan. • Demonstrate the land use mix proposed for Land Bays OP-1, OP-2, and OP-3, the area to be rezoned PD-OP (Planned Development – Office Park), is in conformance with the <u>Revised General Plan</u>. Status: Unresolved; areas outside of the Urban Center are designated by the Plan as suitable for Keynote Employment uses. The percentage of office and public parks / open space uses are in conformance with the Plan. The percentage of civic uses is not in conformance with the land use mix as no clear commitment to such has been provided. A minimum of two acres of public and civic uses should be identified on the Concept Development Plan (CDP). • Eliminate Land Bay CC-1 from the application. Status: Unresolved; Land Bay CC-1 is not consistent with the Destination Retail policies noted in the <u>Countywide Retail Policy Plan Amendment</u> which allows free-standing retail, provided such uses are a single tenant and a minimum of 50,000 square feet in size. • Provide commitments on the CDP and in the Proffers to the Proposed Civic Plaza, Community Center, Town Green, and Hadley's Park Extended as depicted on the illustrative; define each as public / civic or parks open space per the definition in the <u>Revised General Plan</u>. Status: Resolved; aforementioned spaces are depicted on the CDP; proffer IV.A. defines each and lists minimum amenities. • Increase the maximum Floor Area Ratio (FAR) in Land Bays OP-1, OP-2, and OP-3 to 0.6 to further demonstrate conformance with Keynote Employment policies. Status: Resolved; The FAR in Land Bays OP-1 and OP-3 has been increased to 0.6. The FAR in Land Bay OP-2 remains 0.29 to maintain areas of tree save, the area designated for Vestals Gap II Park, and to ensure compatibility with nearby residential communities. • Provide vertically integrated residential buildings within Land Bay TC-2, within the Urban Center core, and along Hadley's Park. Status: Resolved; Land Bay TC-2 will include 580 residential units. Proffer I.B. specifies a minimum of 100 of such units must be located within the Core as part of vertically integrated buildings. • Commit to ground floor commercial retail uses along the frontage of primary roadways and adjacent to the Town Green and the Civic Plaza. Status: Resolved; The "Block Standards" on Page 2-5 of the Design Guidelines specify that minimum percentages of block frontages will be occupied by pedestrian oriented businesses.

<p>Comprehensive Plan</p>	<ul style="list-style-type: none"> • Commit to a minimum 0.50 Floor Area Ratio (FAR) for non-residential uses within Land Bay TC-1. Status: Unresolved; a minimum commitment to FAR within Land Bay TC-1 ensures employment related land uses are predominant along Route 7 and is necessary to offset any loss from the conversion of Land Bay TC-3 to residential, also adjacent to Route 7. • Commit to a full service hotel within the Urban Center. Status: Resolved; Proffer I.D.2. provides such commitment and specifies amenities will include meeting space and a restaurant. • Develop a design for Land Bay TC-3 that represents an urban form of development consistent with that envisioned for the Urban Center. Status: Resolved; recognizing the need for compatibility with the adjoining Remington Apartments and the larger Countryside community opposite Route 7, residential uses may be appropriate in this location, provided the design utilizes a rectilinear grid-street pattern constructed at a pedestrian scale with roadway frontages lined with building facades. Page 2-14 of the Design Guidelines defines the design for TC-3. • Provide phasing that ensures a balanced mix of residential and non-residential development. Status; Unresolved; A provision allowing additional residential uses in vertically integrated buildings above the 650 units proposed in Phase I should be contingent upon 500,000 square feet of non-residential within the PD-TC district only. • Buy-out of the Route 28 Tax District; Status: Unresolved. A buy-out is needed to ensure no loss of revenue to the tax district from the conversion non-residential acreage residential uses. The value of the buy-out is being calculated by Management and Financial Services. • Commitments to design standards with roadways that include provisions for on-street parking, minimum sidewalk widths, street plantings, etc. Status: Resolved; A street hierarchy for the Urban Center has been developed based upon functionality and is included on Page 2-3 of the Design Guidelines. Cross Sections for each street type are provided on Pages 2-7 through 2-10 and provide details regarding lane widths, sidewalks, on-street parking, and pedestrian amenities. • Include within the Design Guidelines standards for building orientation and massing in relation to the street. Status: Unresolved; To a create compact, pedestrian oriented atmosphere along roadways, the Design Guidelines specify eighty percent (80%) of street frontages will consist of a building facades and a minimum building height to street ratio of 1:3. Additional commitments regarding pedestrian oriented uses and continuous of building facades is need adjacent to public spaces. • Commit to a minimum height of four (4) stories within the Urban Center and within OP-1, OP-2, and OP-3. Status: Unresolved. Commitments to height for the both the TC and OP Land Bays are noted in the Design Guidelines and should be reiterated in the Proffers. • Restrict building heights to a minimum of five (5) stories in Land Bay TC-3 and adjacent to Hadley's Park. Status: Unresolved. The Design Guidelines state that building heights in Land Bay TC-3 shall not exceed 60-feet. To ensure compatibility with the Remington Apartments, a similar restriction should be placed on residential building heights adjacent to Hadley's Park. Both commitments should be reiterated in the Proffers.
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Comprehensive Plan	<ul style="list-style-type: none"> • Orientation of parking away from the streets in the PD-OP Land Bays, and architectural treatments and/or wrapping of parking structures with commercial, office, or residential uses in the PD-TC Land Bays. Status: Unresolved; Language to this effect has been incorporated into the Design Guidelines on Pages 2-16 and 4-4. Additional commitments are needed to ensure parking is not adjacent to public spaces. • Construction of ten-foot (10') wide, shared-use asphalt trails along Atlantic Boulevard, Majestic Drive, and Century Boulevard consistent with the <u>Bicycle and Pedestrian Mobility Master Plan (BPMMP)</u>. Status: Unresolved. Shared-use trails are currently depicted as eight-feet (8'). • Pedestrian connections along all streets within the Urban Center and to adjoining residential and commercial properties. Status: Unresolved; commitments have been made to sidewalks along all proposed streets within the Urban Center. Staff recommends a sidewalk be included on the west side of City Center along the Frontage of the Remington Apartments. Sidewalks along the west side of Kent Drive along the frontage of Hadley's Park should be increased to eight-feet (8'). • Commitment to the pedestrian cap over the Stream valley. Status: Resolved. Designed as an extension of Hadley's park and intended to provide connectivity to the Dulles Town Center Mall, the pedestrian cap has been delineated on the CDP and further referenced in Proffer IV.A.8. • Inclusion of language within the Design Guidelines stating that architecture treatment of the side and rear elevations of buildings in the PD-OP Land Bays will be consistent with the primary façade. Status: Resolved; language is included on Page 4-3 of the Design Guidelines. • Capital Facilities Contribution of \$29,222,340 is anticipated. Status: Unresolved. The proffered Capital Facilities Contribution of \$23,251,920 is not consistent with the Capital Intensity Factors adopted by the Board at the July 21, 2009 Business Meeting. • Provide commitments to unmet housing needs. Status: Unresolved; No commitments to Affordable Dwelling Units (ADU) above that required by the Ordinance has been provided.
Zoning	<ul style="list-style-type: none"> • Eliminate or amend modifications proposing reductions in the required percentage of civic uses in the PD-TC district, increases in lot coverage for the Town Center Fringe, increases in height for Land Bay CC-1, and reductions in yards/buffers for Land Bay CC-1. Status: Unresolved. • Rectify a discrepancy between the area of Parcel /80/////////102/(PIN # 029-37-6224) and the area proposed to be rezoned PD-TC. Status: Unresolved. The discrepancy is specific to the location of Kent Drive which is subject to a public access easement. The Applicant's intent for Kent Drive should be clarified. • Remove from the proffers the provision allowing a transfer of office and retail square footages between the PD-OP and PD-TC Land Bays. Status: Unresolved; provisions allowing the transfer of square footage remains for the PD-TC Land Bays. Though some transfer of density is preferable to allow flexibility and the future evolution of the Urban Center, the percentages should be limited so as to provide assurance the core will remain more dense than the fringe. • Submit a proffer audit comparing proposed proffers to approved ZMAP 1990-0014. Status: Unresolved. A Proffer audit ensures that unfilled proffers are represented in the proposed application.
Loudoun Water	<ul style="list-style-type: none"> • No issues noted. Status: Recommendation of approval.

Environmental Review	<ul style="list-style-type: none"> • Conformance to the fifty foot (50') floodplain management buffer adjacent to a perennial stream traversing Land Bays TC-1, TC-2, and OP-3; demonstrate that any reduction to such will not adversely impact stream resources. Status: Unresolved. A Stream Valley Plan has been developed which provides for reforestation and preservation of the entire stream corridor. Staff can conclude this plan provides a commitment to water quality superior to that which would otherwise be achieved by the Management Buffer but is unable to consider the issue resolved due to a note which makes the plan contingent upon the approval of Parc Dulles II (ZMAP 2002-0017). • Inclusion of language within the Proffers requiring perpetual conservation and maintenance of vegetation preserved or planted as part of the Stream Valley Plan. Status: Unresolved; Though the Stream Valley Plan identifies acreage for preservation and reforestation, language prohibiting removal of vegetation has been omitted as well as language requiring maintenance. • Provide Stormwater Management Best Management Practices for all development areas. Status: Unresolved; The CDP depicts BMP facilities within Land Bays OP-1 and OP-2. If existing facilities, notably an existing stormwater management pond located in Land Bay OP-1, are to be used to provide BMPs for new development, it should be retrofitted to meet current design standards. • Upgrade the existing stormwater management pond in Land Bay OP-1 to enhance water quality. Status: Unresolved. If this pond is not intended to provide BMPs, forebays should be included to improve water quality. • Designate Tree Conservation Area adjacent to the riparian corridors located in Land Bays TC-2, OP-1, and OP-2. Status: Resolved; Tree Save areas have been designated in Land Bay TC-2 adjacent to the perennial stream and in Land Bay OP-2. • Amend tree preservation language to include a minimum percentage of vegetation which will be preserved in designated Tree Conservation Areas. Status: Unresolved. • Mitigation of wetlands should be pursuant to policy with first preference given to locations within Loudoun County within the same watershed. Status: Unresolved; language stating a "good faith effort" to mitigate pursuant to policy should be revised to be more definitive.
Emergency Services	<ul style="list-style-type: none"> • A public use site to accommodate a fire and rescue station should be considered as part of the application. Status: Unresolved; a site has been included as part of the Parc Dulles II application but is substandard. A site near the intersection of Nokes Boulevard and Atlantic Boulevard will improve access for emergency responders. • A fire and rescue contribution of \$60.00 per residential dwelling unit and \$0.05 per square foot of non-residential development as anticipated by Board policy. A contribution of \$0.10 for Special Exception Uses. Status: Resolved; Proffers VI A. and VI. B. specify contributions of \$120.00 and \$0.05 for residential and non-residential development respectively. A note stating a contribution of \$0.10 cents for SPEX uses has been included.

Parks	<ul style="list-style-type: none"> • Provide on-site recreational amenities. Status: Resolved. Commitments to a trail network, enhancements to Hadley's Park, and a community center in Land Bay TC-3 are included in the Proffers. • Adjust the layout and development area of Land Bay OP-2 to preserve the historic Vestal Gap Road and provide access through the trail network. Status: Resolved. Proffer IV.A.6. will dedicate 7.7 acres, inclusive of the historic roadbed, to the County as a public park (i.e. Vestals Gap II) . Commitments to vehicular parking, trail connections, interpretive signage, and amenities are also provided. • Clarify the timing of conveyance of Vestal Gap II Park. Status: Resolved. The park will be dedicated to the County at no cost within ninety (90) days of approval. • Commit to a Phase I Environmental Assessment of the acreage proposed as Vestal Gap II Park. Commit to debris / trash removal and clean-up prior to conveyance. Status: Unresolved. Proffer IV.A.6.b. commits to a Phase I; no commitment to clean-up or debris / trash removal has been provided. • Contribute to the open space easement program. Status: Resolved. Proffer V. states a contribution of \$200,000 will be made at the issuance of a zoning permit for the 500th residential unit. • Provide bicycle racks at appropriate locations throughout the Town Center. Status: Resolved. Proffer II.E. notes ten (10) bicycle racks will be provided.
Transportation (OTS)	<ul style="list-style-type: none"> • Construct a transit center to facilitate bus service to the Urban Center and serve as a transfer point for existing and planned routes. Status: Resolved; the transit center will be constructed in the Land Bay TC-1. • Include a phasing commitment which specifies the transit center will be constructed concurrent with the arrival of Metro Rail or prior to the issuance of a zoning permit for two (2) million square feet of development, whichever is sooner. Status: Unresolved; a commitment has been provided for construction prior to issuance of a zoning permit for the two (2) millionth square feet of development; construction prior to the arrival of Metro Rail has not been included. • Construct all future intersection improvements needed to achieve the Level of Service (LOS) indicated by the Traffic Impact Study. Status: Unresolved; the Traffic Study notes that improvements will be necessary on local streets including Kent Drive and Majestic Drive as well as the construction of Jon Jake Court and Lauren Court into Land Bay OP-1. • Demonstrate the reconfiguration of Century Boulevard from a U-shaped orientation with two access points to a cul-de-sac such that a sole point of access can accommodate the development program proposed in Land bay OP-2; Status: Unresolved; the number and configuration of lanes noted by the Traffic Impact Study are inconsistent with that approved as part of Construction Plans and Profiles providing questions as to whether the conclusions of the analysis are accurate.

Transportation (OTS)	<ul style="list-style-type: none"> Construct a 100 space commuter parking lot, currently triggered by the approved ZMAP 1990-0014, immediately. Status: Unresolved; the Proffers propose the construction of the 100 spaces within 120 days following approval of the application. Expand the 100 space commuter parking lot to include an additional 300 spaces. Status: Resolved; Proffers II.D.3.i. and II.D.3.ii. specify a total of 300 spaces will be provided in the temporary location adjacent to Route 28 or within a garage adjacent to the transit center. Include a phasing commitment specifying expansion of the 100 space commuter parking lot to 200 spaces will be initiated within 120 days following the approval of the application. Status; Unresolved; Proffer II.C.2. specifies construction will commence prior to the issuance of a zoning permit for one (1) million square feet of development. Provide an internal bus circulator system throughout Dulles Town Center. Status: Unresolved.
Proffer Review	<ul style="list-style-type: none"> Include provisions for affordable housing. Status: Unresolved. No commitment to affordable housing beyond that required by the Ordinance has been made. Options for affordable housing may include designating ADU's in residential buildings or contributing to the County's housing trust fund. Clarify the amenities and location of the Community Center located in Land Bay TC-3. Status: Resolved. The location of the Community Center has been delineated on the Concept Development Plan. Proffer IV.A.2. specifies amenities will include a 2,500 square foot pool and a 2,500 square foot clubhouse. Include an escalator clause to all cash contributions. Status: Unresolved. Eliminate the request for a capital facilities credit for the Mass Transit Facility and Commuter Parking Lot. Status: Unresolved. A capital facilities credit is not applicable as ownership of both facilities will be retained by the Applicant.

III. CONCLUSIONS

1. This application will define the boundaries of the Urban Center and provide for its evolution from the approved, horizontally mixed-use, suburban development to the proposed vertically integrated community built within an urban design framework, consistent with that envisioned by the Revised General Plan.
2. The percentages of civic and public uses are not in conformance with the Land Use Mix anticipated by the Revised General Plan for the Urban Center or areas designated Keynote Employment. Uses proposed as Civic do not meet the definition noted in the Revised 1993 Zoning Ordinance.
3. The application does not provide the minimum commitments to non-residential employment uses that would be anticipated by the broader Business Community policies of the Revised General Plan.

4. The application provides facilities, including a Mass Transit Facility and Commuter Parking Lot, that will encourage the expansion of transit service as recommended by the Revised Countywide Transportation Plan.

IV. **CONDITIONS OF APPROVAL (SPEX 2008-0048) – September 3, 2009**

Should the application be considered further, staff recommends the following conditions of approval for the requested hotel/motel use:

1. **Substantial Conformance** – This Special Exception to permit development of hotel / motel uses shall be developed in substantial conformance with Sheet 17 of 18 (the “Special Exception Plat”) of the plan set entitled “Dulles Town Center Zoning Map Amendment Application,” dated January 17, 2007, revised through August 10, 2009, prepared by Dewberry (the “Plans”), and incorporated herein by reference. These conditions shall supersede previously approved special exception conditions of approval for SPEX 1991-0045, Dulles Town Center Hotels. Approval of this application for Tax Map Numbers /80//36/////2/ (PIN #041-40-8718), /80//23/////B1/ (PIN #029-35-5034), and /80//36/////3/ (PIN #029-45-5622) (the “Property”) shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Acreage Limitation** – Hotel uses shall be limited to 11.51 acres of the “DEVELOPMENT AREA,” the location of which shall be at the discretion of the Applicant so long as the uses are retained within Land Bay OP-3 or OP-2 in the area identified on the Special Exception Plat as “LIMITS OF SPECIAL EXCEPTION FOR HOTEL/MOTEL.”
3. **Exterior Lighting** – Any exterior lighting installed on the Property shall be full cutoff and fully shielded light fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Light shall be directed inward and downward toward the interior of the property, away from nearby properties. The Applicant shall power down all exterior lights on the Property excluding security lights during the closed hours of operation.

Note: The applicant has agreed to contribute \$.10 per square foot of development to the servicing Fire and Rescue Company. The contribution shall be divided equally for fire and rescue services. The \$.10 per square foot contribution will escalate annually based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984+100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics for the Washington-Baltimore area (base year of 1988) in accordance with Board policy, and such contributions shall be made before issuance of zoning permits for phased development of the project.

CONDITIONS OF APPROVAL (SPEX 2008-0047) – September 3, 2009

Staff recommends the following conditions of approval for the requested automotive service station use:

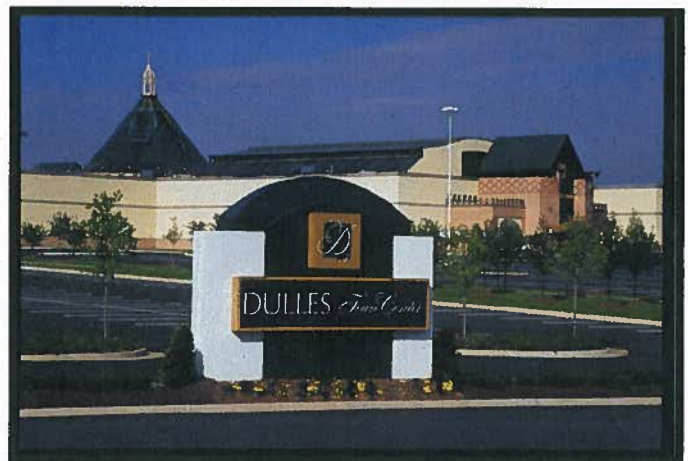
1. **Substantial Conformance** – This Special Exception to permit development of an automotive service station use shall be developed in substantial conformance with Sheet 16 of 18 (the “Special Exception Plat”) of the plan set entitled “Dulles Town Center Zoning Map Amendment Application,” dated January 17, 2007, revised through August 10, 2009, prepared by Dewberry (the “Plans”), and incorporated herein by reference. Approval of this application for Tax Map Number 80/////////97/ (PIN #029-25-1669) (the “Property”) shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Exterior Lighting** – Any exterior lighting installed on the Property shall be full cutoff and fully shielded light fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Light shall be directed inward and downward toward the interior of the property, away from nearby properties. The Applicant shall power down all exterior lights on the Property excluding security lights during the closed hours of operation.

Note: The applicant has agreed to contribute \$.10 per square foot of development to the servicing Fire and Rescue Company. The contribution shall be divided equally for fire and rescue services. The \$.10 per square foot contribution will escalate annually based on the Consumer Price Index for all urban consumers (CPI-U), 1982-1984+100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics for the Washington-Baltimore area (base year of 1988) in accordance with Board policy, and such contributions shall be made before issuance of zoning permits for phased development of the project.

V. PROJECT REVIEW

A. CONTEXT

On March 26, 2007, the County accepted, on behalf of DTC Partners LLC, a request for Zoning Map Amendment (ZMAP) to rezone 200.4 from PD-IP (Planned Development – Industrial), PD-OP (Planned Development – Office Park), and PD-CH (Planned Development – Commercial Highway) under the 1972 Zoning Ordinance and the 1993 Zoning Ordinance to PD-TC (Planned Development – Town Center), PD-OP (Planned Development – Office Park), and PD-CC-CC (Planned Development – Commercial Center – Community Center) under the Revised 1993 Zoning Ordinance. Concurrently, a request for Special Exception (SPEX) has been submitted to permit a hotel/motel use in the PD-OP zoning district and an automobile service station use in the PD-CC-CC zoning district. The site

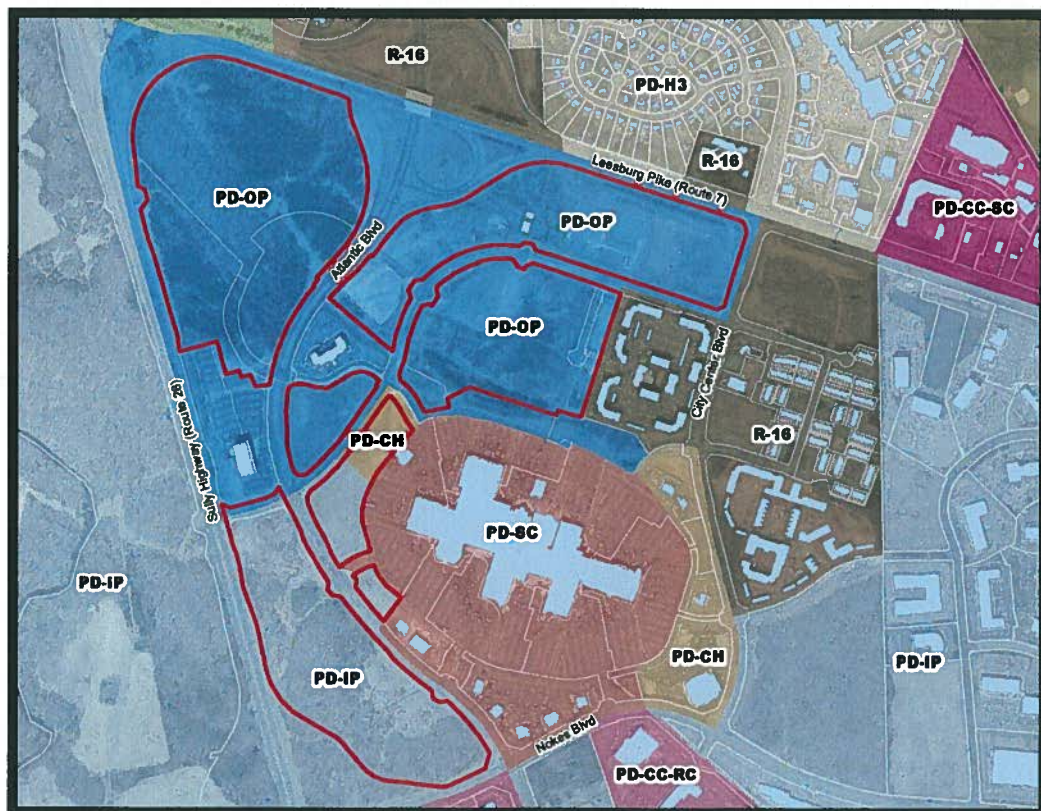


Dulles Town Center Regional Mall

is located in the southeast quadrant of the Route 7 / Route 28 intersection, accessible via Atlantic Boulevard, Nokes Boulevard, and City Center Boulevard.

Originally 559.3 acres, the acreage that is now commonly referred to as Dulles Town Center was approved pursuant to ZMAP 1986-0053, Windmill Mall Dulles Town Center, and ZMAP 1990-0014, Dulles Town Center, the latter of which provides the existing entitlement for the acreage now under consideration. ZMAP 1986-0053, approved by the Board of Supervisors on November 23, 1987, rezoned 110 acres from PD-IP to PD-SC (Planned Development – Shopping Center) and allowed for the construction of a 1.2 million square feet regional shopping center. A subsequent action by the Board on November 27, 1990 to approve ZCPA 1990-0004 shifted the location of the 110 acres to the southwest.

ZMAP 1990-0014 was approved by the Board on December 17, 1991 and allowed for a horizontally mixed-used use project to include 3.38 million square feet of office uses, 299,690 square feet of commercial highway uses, 1,068 residential dwelling units. Considered concurrent with this application were special exceptions (SPEX 1991-0043 and SPEX 1991-0045) to permit 50,000 square feet service and commercial center as part of the PD-H30 portion of the site and two hotel uses within the PD-OP zoning district. An existing Class A office building (i.e. Harris Building), the Courtyard by Marriott Hotel, the Remington and Parc Dulles apartment communities, the Colonnades, and many of the retail pad sites flanking the Dulles Town Center Ring Road were constructed pursuant to this application.



Dulles Town Center Existing Zoning.



Dulles Town Center Proposed Zoning; only those parcels subject to the application are highlighted.

The portions of the property subject to the proposed application for Zoning Map Amendment are all currently vacant and unimproved. Large stands of existing hardwoods are located within the proposed Land Bays OP-1 and OP-2. A perennial stream with an accompanying riparian corridor forms the southern boundary of Land Bays TC-1 and TC-2, further bisecting OP-2. Land Bays TC-3, OP-3, and CC-1 are largely devoid of existing vegetation. Land disturbance, clearing and grading are currently on-going in Land Bay OP-2 to facilitate the construction of Century Boulevard and the future headquarters of the National Rural Utilities Cooperative Finance Corporation (CFC)¹.

The application currently under consideration proposes a mix of uses that include 5,775,000 million square feet of non-residential uses and 1,230 multi-family dwelling units. Note-worthy features to the application include the dedication of 7.7 acres to the County for use as a public park, the construction of a Mass Transit facility, and the construction of a three hundred (300) space commuter parking lot.

¹ Construction Plans and Profiles (CPAP 2008-0056 and CPAP 2008-0070 - CFC Corporate Headquarters Campus) were approved on November 24, 2008 and permitted the construction of 950 linear feet of Century Boulevard and 1,170 linear feet of Cooperative Way respectively. An application for Site Plan Modified Process (STMP 2008-0008 - CFC Corporate Headquarters Campus Office) has been conditionally approved, subject to a performance bond, to permit the construction of a 120,000 square foot office building and associated parking.

B. SUMMARY OF OUTSTANDING ISSUES

Outstanding issues include the following:

LAND USE

1. ***The percentage of public and civic uses proposed for both the TC and the OP Land Bays are not in conformance with that anticipated by the Land Use Mix noted in the Revised General Plan for the Urban Center and areas designated Keynote Employment.*** The Applicant has included a modification requesting the percentage of required civic uses be reduced to six percent (6%) for the PD-TC district. The Applicant has further stated civic space within the OP Land Bays will be provided in the form of plazas and public gathering spaces. Staff notes that civic uses are considered an integral component of the land use mix and are described both within the purpose of the PD-TC district and in the overall vision for the Urban Center. Staff further notes that no commitments to civic uses in the PD-OP Land Bays are included in the Proffers or the Concept Development Plan.
2. ***Land Bay CC-1 is not in conformance with the Destination Retail policies.*** To provide for a more coordinated and consistent development pattern and in response to Staff concern's that Land Bay CC-1 was disconnected from the Urban Center, the Applicant has expanded the area to include additional acreage not previously subject to the application. Even with the increase in size, there is no assurance within the Proffers or Design Guidelines that the development pattern for CC-1 will be consistent with that envisioned by the Countywide Retail Policy Plan Amendment for Destination Retail. (i.e. Retail centers ranging from 250,000 to 1.5 million square feet or free-standing retail larger than 50,000 square feet) or that depicted on the Illustrative site layout.
3. ***A single use residential Land Bay (i.e. TC-3) adjacent to Route 7 is not consistent with the Plan's vision for a mixed-use, vertically integrated community.*** To maintain compatibility to Countrywide, the Remington, and the Colonnades, Staff can support the residential as proposed, provided a commitment is made to an urban design, vertical integration elsewhere within the Urban Center, and a minimum Floor Area Ratio (FAR) for Land Bay TC-3. Design standards are included in the Design Guidelines, and the Proffers specify a minimum of one hundred (100) residential units will be located in a vertically integrated building(s) in the Urban Center Core. No commitments to a minimum FAR are noted.

HEIGHT / MINIMUM INTENSITIES

4. ***A commitment to a minimum non-residential Floor Area Ratio (FAR) in TC-1 and reiterate commitments to minimum building heights in the Proffer Statement.*** Commitments to building heights are currently noted in the Design Guidelines. No commitments to a minimum FAR is included but is necessary to

offset the loss of employment related land uses resulting from the conversion of Land Bay TC-3 to single use residential.

5. ***Height limitations should be included for the residential structures abutting Hadley's Park opposite the Remington Apartments.*** The application includes height modifications up to 200-feet for the Town Center Core and 135-feet for the Urban Center Fringe. Staff requests the scope of this modification be reduced in the afore-mentioned location to maintain compatibility to the Remington Apartments.

DESIGN

6. ***Provide commitments that specify the location of building entrances in relation to streets and parking decks in relation to public spaces. Expand commitments to continuous building façades and pedestrian oriented uses to include frontages along the Town Green and Civic Plaza.*** Many issues related to design are resolved, including commitments to pedestrian oriented uses and continuous building facades along street frontages. Staff requests this commitment be expanded to include the afore-mentioned public spaces. Additional clarification regarding parking structures and building entrances is needed.

VESTALS GAP II PARK

7. ***The Proffers should include a commitment to debris removal and clean-up of the acreage proposed as Vestals Gap II Park prior to conveyance to the County.*** Staff notes that the dedication of the 7.7 acre Vestals Gap II Park resolves a major issue related to the preservation of the historic Vestals Gap Road. In addition, the Applicant has agreed to provide a Phase I Environmental Assessment prior to conveyance. This commitment should be expanded to include clean-up and debris removal as necessary.

PHASING / FISCAL IMPACT

8. ***Phasing commitments should be revised to note that any residential units permitted in vertically integrated buildings above the original 650 are contingent upon a minimum of 500,000 square feet of non-residential in the PD-TC districts only.*** A provision allowing additional units above the 650 allowed in Phase I has been suggested as an incentive for encouraging additional vertical integration in the Urban Center. This incentive was contingent upon a minimum amount of employment related uses (i.e. 500,000 square feet) in the Urban Center being realized first. The Proffers do note a provision that 500,000 square feet of non-residential uses will be provided in the application. This provision should be limited to the Urban Center.
9. ***Provide a Capital Facilities Contribution consistent with the Capital Intensity Factors noted by the Board at their July 21, 2009 Business Meeting.*** The proffered commitment to Capital facilities is \$23,251,920; the anticipated commitment should be \$29,222,340.

10. ***A buy-out of the residential uses located within the Route 28 tax District.*** The specific buy-out value is currently being calculated by the Department of Management and Financial Services.

SHARED-USE TRAILS

11. ***Shared-use trails along Atlantic Boulevard should be constructed to a minimum width of ten-feet (10').*** Commitments to construct trails to a width of eight-feet (8') are not consistent with the Bicycle and Pedestrian Mobility Master Plan.

AFFORDABLE DWELLING UNITS

12. ***Board policy anticipates residential applications will include provisions for unmet housing needs across a broad segment of the County's income spectrum from 0 – 100% Area Median Income (AMI).*** The Proffers state that the Application provides no commitments above that anticipated by the Revised 1993 Ordinance. In addition, mid and high-rise residential buildings are exempt.

ENVIRONMENTAL

13. ***The Application should comply with the fifty-foot (50') Management Buffer adjacent to a perennial stream traversing Land Bays TC-1, TC-2, and OP-3.*** The Applicant has indicated that compliance with the buffer would severely compromise the Core of the Urban Center and complicate connectivity with the Dulles Town Center Mall. To mitigate the impact of this buffer reduction and a corresponding modification of the minor flood plain, the Applicant has developed a Stream Valley Plan providing for the preservation and reforestation of the entire stream corridor. In concept, Staff concludes the benefits of this plan exceed those of maintaining the management buffer. However, language indicating contingency of the Plan upon the approval of Parc Dulles II (ZMAP 2002-0017) provides no assurance of implementation. As such, Staff cannot support the reduction of the Management Buffer.
14. ***Mitigation of wetlands should be pursuant to County policy with first preferences within Loudoun County with the same watershed.*** Language within the Proffers specifies that a "good faith effort" will be used to mitigate wetlands as noted. This language should be revised to reduce ambiguity and provide a firm commitment.
15. ***Commitments should be made to tree preservation within designated Tree Conservation Areas.*** The Applicant has designated Tree Conservation Areas on the Concept Development Plan, but language included within the Proffer Statement does not include a minimum percentage of vegetation to be preserved.
16. ***A Stormwater Management Pond located in Land Bay OP-2 adjacent to Route 7 is not functioning per the approved design and should be retrofitted.*** The Applicant has stated that the existing pond is consistent with the

standards applicable when it was constructed and has further stated that Best Management Practices (BMPs) will be provided on-site. The Applicant has further stated that retrofitting the pond will have detrimental impacts on adjacent forest resources. Staff asserts that the condition of the pond will continue to deteriorate as stormwater run-off generated by additional impervious surface cover increases. Staff further advocates that if the pond is to be used for BMP credits for the proposed development, as suggested by the Proffers, it should be upgraded to current standards.

MASS TRANSIT FACILITY / COMMUTER PARKING LOT

17. ***Phasing of a commuter parking lot should be revised within the Proffer Statement to provide one hundred (100) spaces immediately and an expansion to two hundred spaces (200) within 120 days following approval of the application.*** The Proffers specify one hundred (100) spaces will be provided 120 days following approval. The expansion to two hundred (200) spaces will be provided prior to issuance of a zoning permit for one (1) million square feet of development. Staff notes that the initial one hundred (100) spaces have been triggered under the current approval of ZMAP 1990-0014 but have not been provided.
18. ***Phasing of the Mass Transit Facility should be amended to provide construction concurrent with the arrival of Metro Rail.*** The construction of a Mass Transit Facility resolves a major issue related to providing facilities to facilitate transit. The Applicant has agreed to initiate permitting the process prior to issuance of two (2) million square feet of non-residential development.
19. ***A circulator bus service should be provided to facilitate the movement of people between the various uses and to the Mass Transit Facility.***

TRANSPORTATION

20. ***The Traffic Impact Study should be amended to include consideration of medical office and to rectify discrepancies between the development program proposed and that analyzed as well as the orientation of Century Boulevard.*** If medical office is proposed, it should be analyzed as it proposes a higher trip generation than traditional office. The Applicant has indicated that medical office is not intended but does not want to include a prohibition of the use. Regarding the discrepancy in the development program analyzed, the net increase in square footage was due, in part, to a Staff request that the minimum Floor Area Ratio (FAR) in the OP Land Bays be increased to 0.6, that allowed by-right for PD-OP. Staff appreciates the Applicants willingness to consider this request but notes it included a caveat that the increase square footage be contemplated by the Traffic Study.
21. ***Commitments should be made to provide all future improvements for intersections noted in the Traffic Study as necessary to achieve the indicated Level of Service (LOS).*** The Applicant has indicated an intent to

provide the noted improvements; however, language memorializing this commitment has not been included as part of the current Proffer Statement.

22. ***Provide signalization of intersections as warranted.*** Staff notes that commitments to signalization were approved as part of ZMAP 1990-0014. The proposed Proffers propose to contribute \$150,000.00 toward the cost of each traffic signal noted. Average signal costs are approximately \$300,000.00.

ZONING

23. ***Provisions allowing for a transfer of square footage between the TC land Bays should be removed from the Proffer Statement or reduced in scope.***
24. ***Rectify a discrepancy between the area of Parcel /80////////102/ (PIN # 029-37-6224) and the area proposed to be rezoned PD-TC.*** Clarify the intent of Kent Drive. The area of Kent Drive that is currently a public access easement is not reflected in the area to be rezoned, though it is part of the subject parcel.

MODIFICATIONS

25. ***Staff cannot support six (6) of the modifications of the Revised 1993 Zoning Ordinance.*** Modifications that cannot be supported include numbers 5, 14, 17, 21, 22, and 23. These modifications propose reductions of the required percentage of civic uses, increases in lot coverage for the Town Center Fringe, increases in height for Land Bay CC-1, and reductions in yards/buffers for Land Bay CC-1

PROFFERS

26. ***The Proffer Statement and Conditions of Approval have not been approved to legal form.***

C. OVERALL ANALYSIS

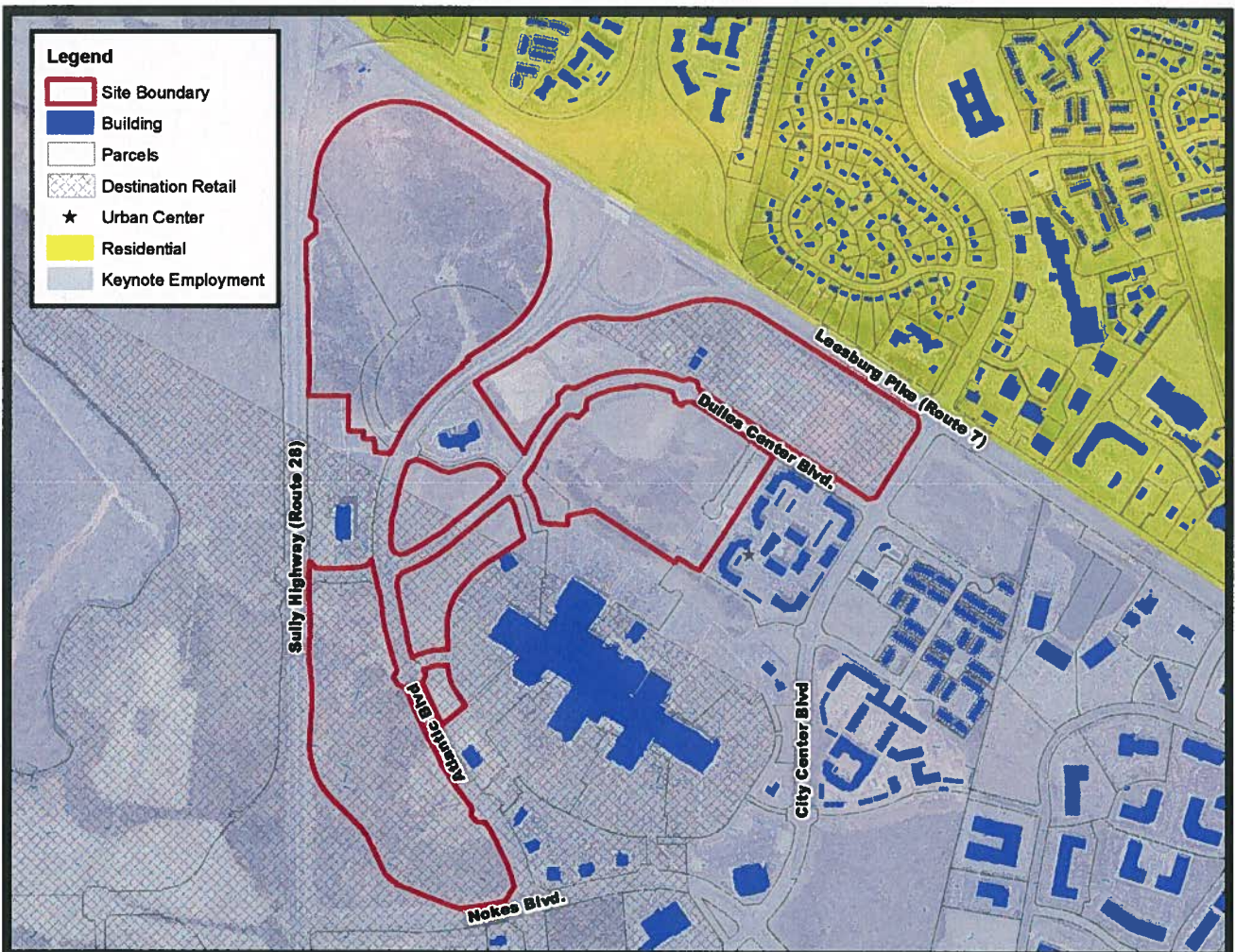
COMPREHENSIVE PLAN

The site is governed under the policies of the Revised General Plan (Plan) and is located in the Sterling Community of the Suburban Policy Area. The Planned Land Use Map (Revised General Plan, p. 7-23) designates the area as suitable for Keynote Employment uses and further designates this area as the Urban Center for the County. The Plan states the Urban Center should be built at the "southeast quadrant of the Route 28 and Route 7 intersection..." This application proposes to establish the Urban Center and define its physical boundary. In addition, a destination retail overlay exists over the southern and eastern portions of the site.

Urban Center

The Revised General Plan envisions the development of one high-intensity, mixed-use Urban Center. Intended to be the downtown of Loudoun County, the Urban Center will utilize an

urban form of development, inclusive of residential and non-residential, built to a pedestrian scale. Non-residential office and commercial retail uses should be predominant with residential, public, and civic uses integrated within to encourage the convergence of live, work, and play. Blocks should be configured in a rectilinear grid pattern of streets with well configured squares and greens dispersed throughout. Multi-modal transportation options should be encouraged with phased densities "higher than other Suburban areas and similar to Transit Oriented Development..."



Dulles Town Center Planned Land Use

Recognizing the dynamic nature of the Urban Center and to facilitate the economic engine that such a community could create, staff has emphasized the following concepts as issues throughout this application: balanced land use mix, vertical integration, minimum intensities, and design / building form. Discussion specific to each will follow:

Land Use Mix

The Revised General Plan anticipates the land use mix for the Urban Center to include a mix of high density residential, commercial retail and services, office, public and civic, and parks and open space. Residential densities up to 24.0 dwelling units per acre and a non-

residential floor area ratio (FAR) up to 1.0 are permitted with the inclusion of dedicated bus transit related services. The following table provides a summary of the proposed land use mix compared to that anticipated by the Plan.

Table 1: Urban Center Land Use Mix; Uses calculated by square footage

Land Use Category	Proposed Square Footage	Recommended % Land Area	Proposed % of Land Area
High Density Residential	1,230,000	10% - 25%	27%
Commercial Retail & Services	810,000	10% - 50%	18%
Regional Office	2,500,000	30% - 50%	55%
Light Industrial	NA	0% - 20%	NA
Overall Office & Light Industrial	NA	NA	NA
Total	4,540,000		100%

Table 2: Urban Center Land Use Mix; Uses calculated by land area

Land Use Category	Recommended % Land Area	Proposed % of Land Area
Public & Civic	10% minimum	6%
Public Parks & Open Space	10% minimum	15%

To achieve the objectives for a higher-intensity Urban Center with a balanced mix of uses, residential density was calculated based on overall acreage of the district. The applicant is proposing up to 1,230 multi-family units on approximately 73 acres – translating into a density of 16.8 dwelling units per acre. The applicant is also proposing up to 3,310,000 square feet of non-residential uses – translating into a Floor Area Ratio of 1.04. Both the residential and non-residential densities are consistent with that envisioned by the Revised General Plan. With the notable exception of public and civic uses, the proposed distribution of land uses is also in general conformance with that anticipated by the Plan. Staff can support a percentage of regional office uses higher than that anticipated by the Plan, fifty-five percent (55%) proposed versus a maximum of fifty percent (50%), to ensure no net loss of employment related land uses from that currently approved on the site and to leverage the site's premier location along Route 7. Staff can further support additional residential, provided it is located within vertically integrated buildings and dispersed throughout the Urban Center, to ensure a balanced mix of uses.

Conversely, the percentage of public and civic uses, six percent (6%), is not in conformance with the anticipated land use mix, and a modification to reduce the ten-percent (10%) required by the Revised 1993 Zoning Ordinance for the PD-TC district cannot be supported. Civic Uses are defined as public or quasi-public institutional uses that serve immediate community. Because they introduce a public element to a community, civic uses are integral

to a mixed-use environment as they "...act as landmarks and symbols of community identity." Civic uses proposed as part of the application include proffered commitments to a covered amphitheater in the existing Hadley's Park, a community center in Land Bay TC-3, meeting space within the Transit Center, and the option for a public safety facility. **Additional civic space should be noted in the Proffers or delineated on the Concept Development Plan and may include such facilities as churches, schools, day care centers, post offices, community club houses, among others, or plazas, public art, and entrance features.**

Vertical Integration – Residential Uses Adjacent to Route 7 (Land Bay TC-3)

Vertical integration and a single use residential land bay adjacent to Route 7, identified by the current Concept Development Plan as TC-3, are two mutually exclusive but highly interrelated issues that highlight a number of competing objectives for the Urban Center. Paramount to these is the need to balance the Plan's vision for the Urban Center as an intensive, mixed used community with the reality that established residential neighborhoods are proximate and adjacent to the site. Important considerations in determining this balance are recognition of fiscal impacts related to leveraging the site's employment potential, and the use of design and placement of uses as mitigating measures.

To provide context, the description in the Revised General Plan of a mixed-use development with an "urban pattern of residential and non-residential use..." implies that uses will be dispersed throughout the Urban Center. Vertical integration can be described as the placement of multiple uses within the context of a single building, a concept key to achieving the vibrancy and sense of place. Whereas a single-use building will stagnate during its off-peak hours, locating differing uses in the same building ensures continuous activity. This concept of vertically integrated buildings was depicted in early illustrative drawings for Dulles Town Center but was subsequently removed in later revisions. Particularly note-worthy, the area now described as Land Bay TC-3 was converted to single use residential.

The Applicant has stated as justification that a single use residential area was created in response to concerns articulated by adjoining neighborhoods and was needed to ensure compatibility with Countryside and the Colonnades. Indeed, staff recognizes the proximity of Countryside, the Colonnades, and the Remington Apartments and concurs that an intense, mixed use community adjacent to established neighborhoods may not be compatible. Notwithstanding, maintaining compatibility does not justify the wholesale elimination of all vertically integrated buildings elsewhere in the Urban Center. Staff views such a shift to a more conventional, horizontal development pattern as merely an attempt to expand existing residential uses above their maximums. In addition, staff recognizes the need to maintain employment related land uses adjacent to Route 7 and the fiscal implications of converting acreage suitable for large-scale office to residential.

Staff can conclude the single use TC-3 residential land bay adjacent to Route 7 may be reasonable to ensure a seamless transition from established neighborhoods to the higher intensities of the Urban Center core, provided the land bay incorporates a design that embraces an urban form of development, minimum commitments to non-residential Floor Area Ratio are made in Land Bay TC-1, and a commitment is made to vertical integrated residential buildings elsewhere in the Urban Center. In response and to further solidify the

design, TC-3 was created and concepts such as a rectilinear street pattern, building orientation toward roadways, and street level access were incorporated into the Design Guidelines. The Proffer Statement includes a requirement that one hundred (100) residential units will be located within the Urban Center Core within a vertically integrated building. **Staff considers these issues largely resolved. However, a commitment to a minimum intensity of employment related land uses has not been made, and as such, Staff cannot support Land Bay TC-3.**

Fiscal Impact – Minimum Intensities

The subject site is located within the Route 28 Tax District adjacent to Route 7 and Route 28. The location of the Urban Center at the intersection of these roads is intentional to leverage the fiscal benefits of the convergence of these two premier employment corridors. To realize the intensity envisioned by the Plan and to ensure the Urban Center becomes the economic engine it was intended, staff has asked the Applicant to provide minimum commitments related to the amount of non-residential uses, particularly large-scale office. The approved ZMAP 1990-0014 provides for a total of 3.38 million square feet of office uses at an average Floor Area Ratio (FAR) of 0.4. To ensure no net loss of employment related uses from that currently approved and to compensate for the conversion of 16.5 acres (TC-3) to single use residential, a commitment to a minimum 0.5 Floor Area Ratio (FAR) in Land Bay TC-1 is imperative. Staff has further requested the Applicant commit that all office buildings along Route 7 include a minimum of four (4) stories. In addition, to ensure no negative fiscal impacts to the Route 28 Tax District, a buy-out of the residential uses is expected. Finally, a contribution to offset the impacts on capital facilities is anticipated.

In response, the Applicant has not committed to a minimum 0.5 FAR for Land Bay TC-1, and as stated previously, staff cannot support the single use residential proposed in Land Bay TC-3 until such is made. The Applicant has committed in the Design Guidelines that buildings in the OP Land Bays, except the NRU-CFC parcel², and buildings with office as the primary use will be a minimum of four (4) stories. These commitments should be reiterated in the Proffer Statement. The Applicant has requested the value of the buy-out value for the Route 28 Tax District, which is currently being calculated by the Department of Management and Financial Services. Finally, the Applicant's proffered commitment to capital facilities (\$23,251,920) is not consistent with the Capital Intensity Factors noted by the Board at its July 21, 2009 Business Meeting. A contribution of \$29,222,340 is anticipated.

Design / Building Form

In order for the Urban Center to realize its potential as a pedestrian-oriented neighborhood that evokes its own unique sense of place, design principles must be utilized that encourage the movement of people through an urban framework. Per the Plan, the Urban Center should provide for the "visual enjoyment" of its users through a "well-designed urban pattern of residential and non-residential" uses. To facilitate such, staff has advocated the creation of

² The NRU-CFC parcel is proposed at the corporate headquarters for the National Rural Utilities Cooperative Finance Corporation (CFC). CFC has requested a less intrusive, low-rise structure and, as such, has requested an exemption from requirements for a minimum number of stories.

pedestrian zones between buildings, reducing the setbacks to bring structures closer to the street and utilizing the space for sidewalks and outdoor seating areas. In addition, staff has recommended locating pedestrian-oriented businesses along primary thoroughfares to activate the street and provide the vibrancy that creates visual interest. Similar recommendations include: Lining road frontages with building facades to create an uninterrupted streetscape; placement of parking areas, building entrances, and service areas in such a way as to minimize conflict between pedestrian and automobile traffic; and locating civic and open spaces to create nodes of activity that will define the neighborhood and create community identity.

To achieve the design objectives noted above, the Design Guidelines define a street hierarchy based upon a road's functionality and intended purpose. The Type A Street, Dulles Center Boulevard, is the primary pedestrian and vehicular thoroughfare through the Urban Center, essentially the Main Street. Type B Streets comprise the remainder of the primary grid and are also provide vital pedestrian links. Type C Streets are secondary and provide primary vehicular access to the various uses.

Staff has asked the Applicant to include commitments within the Design Guidelines to maximum setbacks or build-to lines, building height to street width ratios, minimum percentages of block frontages lined with building facades, and minimum percentage of ground floor pedestrian oriented uses. All of these concepts are intended to provide the urban design framework through building placement and orientation and encourage street level activity through use. The street hierarchy is intended to establish reference points that define the physical location in the Urban Center where the afore-mentioned design objectives will be implemented. **Though many of the design issues are resolved, the following additional commitments should be made: clarify that residential uses will be located adjacent to Hadley's Park; parking decks will not be located adjacent to public spaces (i.e. Town Green, Civic Plaza, etc.); primary buildings' entrances will be located along street frontages or a common gathering space; and commitments to continuous building façades and pedestrian oriented uses along the Town Green and Civic Plaza.**

Keynote Employment

Areas designated as suitable for Keynote Employment are intended to be "100-percent premier office or research-and-development centers supported by ancillary retail and personal services..." (Revised General Plan, Text, p. 6-27) Large-scale regional office developments should be the principal use, maintaining maximum visibility from adjacent roadways; ancillary services should be employment supportive in nature and should not dominate the landscape. Site and building design should be of the highest quality, incorporating high-quality architectural features, heavily landscaped greens, and tree-lined boulevards. Buildings should remain the predominate feature when viewed from the roadway with parking located to the rear or to the side of all structures.

Land Bays governed by the Keynote Employment policies of the Plan are identified as OP-1, OP-2, and OP-3. Combined, these land bays propose 2,250,000 square feet of office development and 350,000 square feet of hotel uses, the latter of which is the subject of an accompanying special exception. The Land Use Mix noted in the Revised General Plan

anticipates a minimum of seventy percent (70%) of the land area will be designated for regional office uses, and commercial retail and service uses will be limited to a maximum of ten percent (10%) of the land area. A minimum of five percent (5%) and ten percent (10%) of the land area will be designated for public / civic uses and public parks / open spaces respectively.

With the exception of public and civic, the development program proposed by the application complies with the Land Use Mix anticipated by the Plan for areas designated Keynote Employment. This conclusion assumes the percentage of hotel use, classified by the plan as a commercial retail use, is limited to 11.51 acres. The Applicant has indicated that civic space will be provided in the form of plazas and/or public gathering spaces inside each respective building and has further requested the commuter parking area proffered in Land Bay OP-1 be counted toward the requirement. Staff can consider plazas and/or gathering spaces as civic space but notes no firm commitments to such have been provided. In addition, Staff cannot consider the commuter parking area as part of the civic requirement due to a provision in Proffer II.D.3.ii.b. that provides the option for the lot to be closed and relocated to either Land Bay TC-1 or TC-2.

Destination Retail

Destination Retail is defined by the Countywide Retail Policy Plan Amendment (Retail Plan) as “multi-tenant shopping centers, enclosed malls or freestanding large superstores and big box retail uses” and generally range in size from 250,000 to 1.5 million square feet. Free-standing retail uses are permitted, provided they are a minimum of 40,000 square feet and represent a single tenant. The Retail Plan identifies and reinforces the Route 28 corridor as the preferred location for Destination Retail uses and, conversely, provides policies intended to limit retail uses within the Route 7, Dulles Greenway, and Route 50 corridors in order to preserve these areas as employment corridors. Properties subject to the overlay and currently under consideration include all of Land Bay OP-1 and TC-3 as well as portions of Land Bays TC-1, OP-3 and CC-1. Areas subject to the Destination Retail overlay may develop accordingly or pursuant to their underlying land uses designations.

The application proposes to rezone Land Bay CC-1 to PD-CC-CC and proposes 215,000 square feet of commercial retail uses. Given the zoning district and the proposed use, Staff has evaluated CC-1 pursuant to the Destination Retail policies. **Staff has consistently requested this Land Bay be removed from the application as it represents a development pattern that is inconsistent and disconnected from the remainder of the Urban Center and represents a divergence from the stated goal of developing an integrated and coordinated master plan for Dulles Town Center.** Zoning staff has noted that the same land bay, due to its limited size, was not consistent with the purpose of the PD-CC-CC district and requested that adjoining acreage not subject to the application be included to allow for consistent administration. The Applicant has responded by stating the existing PD-IP zoning allows uses that would be inconsistent with the adjoining mall and related retail pad sites. To respond to Staff’s conflicting requests, the Applicant incorporated adjoining acreage, increasing the size of the district. **Staff appreciates the attempt to reconcile the issue but notes that no commitments are included within the Design Guidelines or the Proffer Statement limiting the types of uses to free-standing retail**

over 50,000 square feet or a multi-tenant retail center with a minimum of 250,000 square feet. As such, Staff cannot support the inclusion of Land Bay CC-1 in the application.

SPEX – Hotel / Motel & Automotive Service Station

A Special Exception for a hotel/motel (SPEX 2008-0048) is proposed in Land Bays OP-2 and OP-3. This use is classified by the Revised General Plan as a commercial retail and service use, a maximum of ten-percent (10%) of which is anticipated as part of the Land Use Mix. Staff can support the hotel/motel use, provided the land area devoted to such is limited to 11.51 acres within the Land Bays designated Keynote Employment (OP-1, OP-2, and OP-3). Conversely, the Special Exception for an automotive service station (SPEX 2008-0047), located in Land Bay CC-1, is considered under the Destination Retail policies of the Countywide Retail Policy Plan Amendment (Retail Plan) and is considered a free-standing retail use. Destination retail limits free-standing retail to individual tenants over 50,000 square feet. Because the area of the automotive service station, 4,300 square feet, is less than the 50,000 square feet anticipated by the Retail Plan, Staff cannot support the special exception.

ZONING

The property under consideration is a 200.4 acre tract, currently zoned PD-IP (Planned Development – Industrial Park), PD-OP (Planned Development – Office Park), and PD-CH (Planned Development – Commercial Highway) under the 1972 Zoning Ordinance and the 1993 Zoning Ordinance. The proposed application for Zoning Map Amendment (ZMAP) will rezone this acreage to PD-TC (Planned Development – Town Center), PD-OP (Planned Development – Office Park), and PD-CC-CC (Planned Development – Commercial Center – Community Center) under the Revised 1993 Zoning Ordinance; all acreage will be converted to the Revised 1993 Zoning Ordinance. Companion applications for Special Exception (SPEX) propose a hotel/motel use in the PD-OP zoning district and an automobile service station in the PD-CC-CC zoning district, permitted pursuant to Sections 4-204(B)(2) and 4-304(C) respectively.

Based upon the number of issues identified by Zoning Administration, a fourth referral has been requested to review the Concept Development Plan and the Proffer Statement. Major issues considered by Zoning include consistency with Land Bay CC-1 to the purpose and intent of the PD-CC-CC zoning district, inclusion of civic uses in the TC and OP Land Bays, and clarification of a discrepancy between the area proposed to be rezoned and the current orientation of Kent Drive. Regarding Land Bay CC-1, additional acreage has been incorporated into the application to further comply with the PD-CC-CC district and to provide for consistency in administration of design standards along Atlantic Boulevard and Dulles Center Boulevard. This issue is resolved.

Conversely, issues related to clarification of the area proposed for rezoning and the provision of civic uses remain outstanding. Located west of Hadley's Park, Kent Drive currently maintains a public right-of-way to the entrance to the Remington Apartments, after which it becomes a private access easement to its terminus at Signature Drive. The acreage of the public access easement as well as a small segment of Signature Drive are part of Parcel /80////////102/ (PIN # 029-37-6224), proposed as Land Bay TC-2. The Concept Development

Plan does not include this acreage within the limits of the proposed TC district, implying the segments may become public. Clarification of the intent of Kent Drive is needed. In addition, open space / civic space should be provided for both the OP and TC districts. Staff notes that a modification to reduce the percentage of civic uses in the PD-TC district cannot be supported. Discussion specific to this issue is included as part of Modification #14 on Pages 49 and 50 of this Report. An update on the other zoning issues will be provided subsequently.

Zoning Ordinance Modifications

Included as part of the ZMAP, thirty (30) modifications are proposed to the Revised 1993 Zoning Ordinance, the Land Subdivision and Development Ordinance (LSDO), and the Facility Standards Manual (FSM) related to district size, building / parking setbacks, lot coverage, height, civic / residential uses, block frontages, sidewalks, buffering, parking spaces, vehicular access, and travel lane / parking aisle width. Discussion specific to each modification is included in Section V.D. of this report.

In summary, Staff can support seventeen (17) of the modifications (i.e. Modifications 1, 2, 3, 4, 7, 8, 9, 10, 13, 15, 16, 18, 20, 24, 26, and 27). Five (5) additional modifications (i.e. 6, 11, 12, 19, and 25) could be supported, provided specific revisions to the application are made; specific recommendations are included in the respective staff discussion. Staff cannot support six (6) of the modifications (i.e. 5, 14, 17, 21, 22, and 23). Modifications that cannot be supported include reductions of the required percentage of civic uses, increases in lot coverage for the Town Center Fringe, increases in height for Land Bay CC-1, and reductions in yards/buffers for Land Bay CC-1. Modifications to the Facilities Standards Manual (FSM) (i.e. Modifications 29 and 30) are premature and are more appropriately considered at the time of site plan when applicable engineering data is available.

EMERGENCY SERVICES

The Sterling Volunteer Fire and Rescue Company will provide fire and rescue services to the site. County policy anticipates a contribution of \$60.00 for each market rate residential unit and \$.05 per square foot of non-residential development. Proffers VI.A. and IV.B. provide contributions of \$120.00 and \$0.05 for residential and non-residential development respectively, both of which are consistent with Board policy. Other issues identified by the Department of Fire, Rescue and Emergency Services include the need for a five-acre site to accommodate a fire and rescue station for the Route 7 / Route 28 corridor. A site has been included as part of the Parc Dulles II application (ZMAP 2002-0017). **However, at 3.3 acres, the site is substandard regarding size with access constraints. Consideration should be given to proffering a site as part of this application in the vicinity of the Nokes Boulevard / Atlantic Boulevard intersection where service and response times would be greatly improved over that currently offered.**

SCHOOLS

Loudoun County Public Schools has indicated the 1,230 residential dwelling units proposed will generate a total of 345 students (176 elementary students, 76 middle school students, and 93 high school students). The school system has estimated that these students will necessitate a capital cost of \$11,338,040 and annual operating costs of \$4,301,115. It is

anticipated by the Schools that these students will attend the Potomac Falls cluster. Capacity concerns within this cluster may necessitate modification in school attendance boundaries to assign students to schools with available capacity (i.e. the Park View High School cluster).

PARKS, RECREATION AND COMMUNITY SERVICES

Comments from the Department of Parks, Recreation and Community Services included a request to adjust the building area in Land Bay OP-2 to preserve a segment of the historic Vestals Gap Road and incorporate the roadbed into the pedestrian trail system. Vestals Gap Road is a Native American and colonial highway that extended from Alexandria to an area near CharlesTown, West Virginia, a small link of which has been preserved on the south side of the Dulles Town Center mall and a larger segment is located in the Claude Moore Park.

The Applicant responded by including a commitment within the Proffer Statement (Proffer IV.A.6.) to dedicate 7.7 acres, inclusive of the historic roadbed, to the County as a public park. The acreage will be dedicated within ninety (90) days following approval of the application, and the Applicant has further committed to provide five (5) interim parking spaces to be replaced by five (5) permanent parking spaces as part of an adjoining office building. Interpretative signage will be installed as well as eight-foot (8') permeable trail.

Staff considers the issue of preservation of Vestal Gap Road resolved but notes that a commitment to provide a Phase I environmental report prior to conveyance should be followed by a related commitment to provide debris removal and clean-up. Staff considers the omission of this language an outstanding issue. Other outstanding issues include a request that all shared-use trails be ten-feet (10') wide as opposed to the proposed eight-feet (8'), consistent with the Bicycle and Pedestrian Mobility Master Plan.

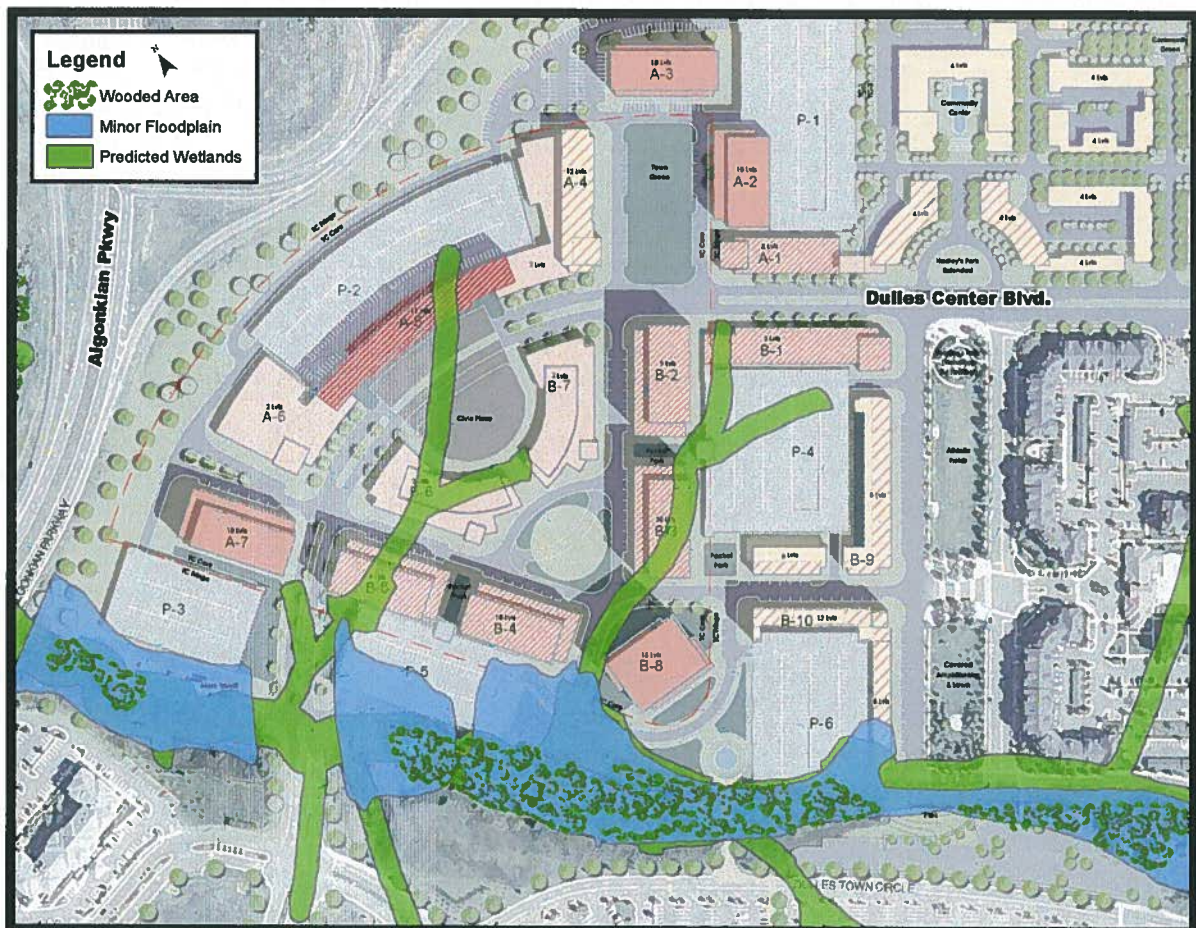
ENVIRONMENTAL REVIEW

Environmental features located on-site include a perennial stream, areas of vegetated forest, and wetlands. Beginning north of Nokes Boulevard, the perennial stream flows adjacent to the western boundary of the existing and proposed Parc Dulles and Park Dulles II, crosses City Center Boulevard near the intersection of Stephanie Place, continues along the southern boundary of Land Bay TC-2, crosses Atlantic Boulevard, and traverses Land Bay OP-2 before eventually flowing into the Broad Run. A Minor Floodplain runs concurrent with the stream, and though portions of the stream have been disturbed near the Remington Apartments, other segments remain largely intact. Per the Revised General Plan, a fifty-foot (50') management buffer is anticipated along boundaries of the Minor Floodplain which precludes large-scale construction.



Perennial Stream near
proposed Land Bay TC-2

Staff has requested that the development area be amended to conform to the fifty-foot (50') management buffer and avoid disturbance within the Minor Floodplain. Because this area conflicts with the area proposed as the Urban Center Core in Land Bay TC-2, the Applicant has stated their request to seek an alteration of the Minor Floodplain and a corresponding reduction in the Management Buffer. Recognizing the need for a compact development pattern and connectivity to the existing Dulles Town Center Mall, staff can support a reduction if it is demonstrated that the stream can be enhanced beyond its current state. As such, a reforestation and preservation plan, identified as Stream Valley Plan on Page 18 of the CDP, has been developed accordingly. **Staff is in general support of the concepts depicted on this plan, but a note indicating implementation is contingent upon the approval of Parc Dulles II provides no assurance the plan will be implemented if the application is denied. As such, staff cannot support the reduction of the fifty foot (50') management buffer.**



Impact of existing environmental features on the proposed Urban Center Core.

Stormwater Management

Staff has requested that Stormwater Management Best Management Practices be utilized for all development areas. Facilities noted on the Concept Development Plan are located in Land Bays OP-1 and OP-2 with no facilities included in Land Bays TC-1, TC-2, TC-3, OP-3, and CC-1. Stormwater run-off from OP-1 drains across Route 28 through the Kincora property and to the Broad Run; facilities in OP-1 will provide BMPs for this flow. Conversely,

run-off from the remainder of the site drains to an existing stormwater management pond, designed as a dry pond but retaining a continual pool of water from flow of the aforementioned perennial stream, located in the northwest corner of Land Bay OP-2 adjacent to the Route 7 / Route 28 interchange. It is assumed that this pond and alternative facilities noted within OP-2 will provide BMPs for the Urban Center and the CC-1 Land Bay. If this is the case, the fact that the pond is not currently operating per its approved design suggests it may not be able to accommodate the increased flow. Consequently, staff has requested the pond be retrofitted to meet current standards and converted to a permanent wet pond with appropriate forebays for enhancement of water quality.

In response, the Applicant has made recent efforts to improve the pond associated with the on-going construction of the Century Boulevard and the ultimate CFC building. The Applicant also states that conversion of the dry pond to a wet pond would result in detrimental impacts to adjoining forest resources and, consequently, is unwilling to improve the pond to the standards as stated in the Facilities Standards Manual (FSM). Staff concurs that the issue presents engineering obstacles but reiterates the need to improve the facility if it is intended to provide BMPs for the proposed development. **Language included as part of the draft Proffer statement states that a wet pond may be constructed in Land Bay OP-2 if it is allowed to receive BMP credits. This language is ambiguous and provides no definitive alternative for addressing the current issues associated with the pond if it is not converted to a wet pond. Staff further recommends that the pond be upgraded to current standards if it is intended to provide BMP credits.**

TRANSPORTATION

The subject property is located at the convergence of Harry Byrd Highway (Route 7), the northern boundary of the site, and Sully Road (Route 28), the western boundary. Nokes Boulevard forms a partial southern boundary and City Center Boulevard forms a partial eastern boundary. Atlantic Boulevard and Dulles Center Boulevard traverse the property, the latter of which is a local roadway that will bisect the proposed Urban Center. Other local roadways include Haleybird Drive, Dulles Town Circle, and Century Boulevard.

Harry Byrd Highway (Route 7) is currently a six-lane divided principal arterial with grade separated interchanges currently in place at Route 28 and at Algonkian Parkway / Atlantic Boulevard. Sully Road (Route 28) is currently a six-lane divided principal arterial with an ultimate condition as an eight-lane divided limited access facility with grade separated interchanges at all intersections within Loudoun County. Atlantic Boulevard, Nokes Boulevard and City Center Boulevard have been built to their ultimate condition as four-lane divided major collectors.

The application for Zoning Map Amendment requests an increase in non-residential square footage from 3.38 million approved as part of ZMAP 1990-0014 to the proposed 5,775,000 as well as the addition of 1,230 multifamily residential units. A comparison of daily vehicle trips between that approved on the site and that included as part of the proposed development program is summarized in the following table:

		Approved	Proposed
2015	AM Peak	2,370	3,131
	PM Peak	2,629	4,261
	Daily Trips	15,820	30,549
2030	AM Peak	4,358	4,688
	PM Peak	5,403	6,695
	Daily Trips	28,201	40,475

Staff notes that the daily vehicle trips noted above are reflective of a development program that is not consistent with that currently proposed by the application. Following the third referral, the development program was amended to include 5,775,000 square feet of non-residential uses, an increase of 765,000 square feet from that previously proposed. This increase was, in part, in response to a Staff request that the maximum Floor Area Ratio (FAR) in the PD-OP (Planned Development – Office Park) Land Bays be increased to 0.6, that permitted by-right in the PD-OP zoning district, to further comply with the intent of the Keynote Employment designation. Staff appreciates the responsiveness to this issue but the request included a caveat that the Applicant demonstrate any increase would not have a detrimental impact on traffic circulation and Level of Service (LOS). **An addendum to the Traffic Impact Study detailing such should be provided and the submission of such is an outstanding issue.**

In addition to rectifying the discrepancy between the development program proposed and that analyzed, the traffic impact study should be amended to include an analysis of medical office uses, if such is proposed, and should clarify a discrepancy between the lane configurations noted in the Traffic Study for Century Boulevard with those noted on approved construction plans and profiles. Century Boulevard is note-worthy because the current application proposes to reconfigure the approved U-shaped orientation with two points of ingress/egress onto Atlantic Boulevard to a cul-de-sac orientation with a single point of ingress/egress into Land Bap OP-2. Given the discrepancy in the lane configurations between that approved and that analyzed, it has not been demonstrated that one access point can accommodate the 750,000 square feet of development proposed in OP-2.

With the exception of the Route 7 / City Center Boulevard intersection, the Applicant's Traffic Impact Study concludes that all intersections will operate at acceptable Levels of Service (LOS) in both 2015 and 2030. The Traffic Study bases this assumption on the premise that signalization of multiple intersections (i.e. Atlantic Boulevard / Majestic Drive, Dulles Center Boulevard / Majestic Drive, Dulles Centery Boulevard / Kent Drive, etc.) will be provided as well as improvements, including turn and/or through lanes, on various local streets. **Commitments to these improvements have not been provided, and staff further notes that commitments included as part of ZMAP 1990-0014 to provide signalization of the afore-mentioned intersections has been omitted from the current Proffer Statement.**

Mass Transit Facility / Commuter Parking Lot

A significant issue considered by the Office of Transportation included the provision of a Mass Transit Facility and Commuter Parking Areas. The Revised General Plan describes the Urban Center as multi-modal and specifically states the area "...will include specific plans for

a transit stop to connect with transit services along the Dulles Greenway.” Currently, the Dulles Town Center mall is a significant transfer point for local fixed bus routes, and a one hundred (100) space commuter parking area was proffered by ZMAP 1990-0014. Though triggered under the current approval, this commuter parking area has yet to be constructed. To facilitate expansion of bus service routes and to consolidate the transfer points into a single facility, Staff has requested the Applicant provide a Mass Transit Facility in proximity to the Urban Center that would include bus bays, an indoor waiting area, and a ticket/vending area. Further, to allow for incorporation of regional commuter bus service, Staff has requested the one hundred (100) space commuter parking area proffered as part of ZMAP 1990-0014 be expanded to accommodate three hundred (300) spaces.

The Applicant has agreed to construct both the Mass Transit facility and the three hundred (300) space commuter parking area. The Mass Transit Facility is proposed in the Urban Center Fringe of either Land Bays TC-1 or TC-2 near the intersection of Atlantic Boulevard and Majestic Drive. The Concept Development Plan identifies two locations for the commuter parking area. The first is an area of existing right-of-way, the area of Dulles Center Boulevard recently closed as part of the construction of the Nokes Boulevard / Route 28 interchange, at the northern boundary of Land Bay OP-1, and the second is located adjacent to the Mass Transit Facility. The Mass Transit Facility will be triggered prior to the issuance of a zoning permit for two (2) million square feet of non-residential uses at which time the applicable Special Exception will be submitted. The Proffer Statement specifies the three hundred (300) spaces will be provided in increments of one hundred spaces pursuant to the following:

1. Permitting for one hundred (100) spaces in Land Bay OP-1 adjacent to Route 28 will be initiated 120 days following approval of this application.
2. Permitting to expand the one hundred (100) spaces to two hundred spaces (200) in Land Bay OP-1 adjacent to Route 28 will be initiated prior to the issuance of a zoning permit for one (1) million square feet of non-residential development.
3. Permitting to expand the two hundred (200) spaces to three hundred (300) spaces will be initiated concurrent with construction of the Mass Transit Facility. At such time, the Applicant may expand the location in Land Bay OP-1 adjacent to Route 28 or relocate all or a portion of the spaces to the Mass Transit Facility. If all three hundred (300) spaces are relocated, the Applicant may close the commuter parking area adjacent to Route 28. If only a portion of those spaces are relocated, both facilities will remain open.

Though the issue of providing facilities for mass transit is resolved, the phasing and construction sequencing of both the Mass Transit Facility and the commuter parking area remain outstanding. Regarding phasing of the commuter parking area, the initial one hundred (100) spaces should be provided immediately as they have already been triggered by the approved ZMAP 1990-0014 but not provided. It is the expansion of the commuter parking area to two hundred spaces (200) that should occur 120 days following approval. In addition, language within the Proffers that allows for continued relocation of parking spaces adjacent to the Mass Transit Facility should be revised to clarify where the spaces will be located and

the number of times they will be moved. The suggestion that an operating commuter parking facility may be relocated multiple times is an issue as such may prove confusing for its users.

Regarding Mass Transit, Staff requests the Applicant commit to an internal bus circulator system which would allow users to move between the various uses as well as within the Town Center and on adjacent properties as well as from the Mass Transit Facility. Such a system will maximize the use of transit and decrease dependency on the automobile, facilitating the objective of the Urban Center to become pedestrian friendly. To further the concept of mass transit, Staff advocates a revision to the Proffers specifying the Mass Transit Facility will be triggered prior to the issuance of a zoning permit for two (2) million square feet of non-residential uses to require construction concurrent with the arrival of Metro Rail, whichever of the two is sooner.

Privatization of Dulles Center Boulevard

Dulles Center Boulevard is a four-lane median divided local roadway constructed as part of the original Community Development Authority. Its current orientation forms the physical boundary between Land Bays TC-2 and TC-1 /TC-3, bisecting the core of the Urban Center. One of the primary objectives of the application as stated by the Statement of Justification is to reconfigure Dulles Center Boulevard from its current suburban design to a more urban configuration, narrowing the street and incorporating on-street parking, sidewalks, and pedestrian amenities. As such, Dulles Center Boulevard becomes the "Main Street" of the Urban Center, flanked by pedestrian oriented uses such as stores and restaurants. An extension of the public civic plaza in Land Bay TC-2 may extend over the existing right-of-way, providing an area which may be closed at times for festivals or public gatherings.

To achieve the afore-mentioned design and operational objectives which otherwise may not be consistent with the standards of the Virginia Department of Transportation (VDOT), the Applicant has stated that privatization of Dulles Center Boulevard may be necessary. Staff is supportive of the Applicant's proposal to convert the road to a primarily pedestrian thoroughfare but notes a reduction of the road's vehicular capacity will result. Consequently, staff has requested the Applicant analyze the proposed changes to confirm that no detrimental impacts will be realized on other streets and/or intersections created by the resulting dispersion of traffic. The Traffic Study confirms that the reclassification of the roadway should have minimal regional impacts as it is primarily a local street serving the development. Staff recommends the Applicant make an attempt to retain public ownership of the roadway, but is supportive of privatization if it becomes necessary. As such, this issue is resolved.

D. ZONING ORDINANCE MODIFICATIONS

Modification #1: Section 4-802. Size, Location and Components.

4-802 Size, Location and Components. This district, when mapped, shall be no less than thirty (30) acres nor more than sixty (60) acres in size, and shall be served by major collectors or arterials with capacity to handle the traffic generated. This district

shall be located only in areas served by public water and sewer. No Town Center shall be located within 10,000 feet of another Town Center...

Proposed Modification Request:

1. Permit the size of the Town Center to increase to approximately 73 acres as shown on the Concept Development Plan. The total acreages of Land Bays TC-1 & TC-2 are approximate and may change due to final R.O.W. location for redesigned Dulles Center Boulevard.
2. Permit the Town Center district to be located within 10,000 feet of another Town Center.

Applicant Justification:

1. Increase in Size of Town Center from 60 to 73 acres. The proposed modification is justified because it:

- a) achieves an innovative design, by accommodating numerous existing environmental and development conditions; and
- b) exceeds the public purpose of the existing regulations by supporting implementation of the planned Urban Center.

Innovative Design. First, the area proposed for the PD-TC district is logically defined and bounded by the stream valley that divides the mall from the Town Center, existing residentially zoned land to the east, Atlantic Boulevard to the west and Route 7 to the north. The goal of establishing a PD-TC zoning district in this location is to provide a carefully planned and well-integrated mix of uses, converting this well-defined area from a single use, auto-oriented office park, to a pedestrian-oriented "urban" community where people can live, work and recreate. A key element of the design is the "calming" of Dulles Center Boulevard, which will become the Main Street of the proposed community. As such, the design substantially recasts the relationship of buildings to roadway on Dulles Center Boulevard and so includes all undeveloped areas abutting Dulles Center Boulevard. ***The modest expansion of the district size is justified by the fact that the extent of the proposed PD-TC district is so clearly defined by other components of the site and that the innovative design will fully convert Dulles Center Boulevard to a pedestrian-oriented streetscape.***

Implementation of Urban Center. The proposed location is identified in the Revised General Plan as the County's "Urban Center." It is planned to be a "...large-scale mixed-use community. It features well-configured squares and greens, a traditional network of landscaped streets with frontages dedicated to the social, recreational, and visual enjoyment of the pedestrian as well as the motorist..." The PD-TC district supports a well-designed pedestrian oriented community, and that focus on design is carried forward in the DTC rezoning, as evidenced by a detailed set of design guidelines. The PD-TC district, at the time of submission of this application, was the

only zoning district that supported a significant mixed use project and that could guide development of the Urban Center.

The proposed modest modifications implement the County's goal of "...development of one high-intensity, mixed use Urban Center in the Suburban Policy Area at the Route 7/ Route 28 interchange, which is currently in development. The phased density of the Urban Center will be higher than other Suburban areas." ***The proposed modification exceeds the public purpose by allowing the PD-TC district to guide development of the Urban Center, in the absence of an "Urban Center" zoning district, at the scale recommended by the Revised General Plan.***

2. Location of the PD-TC District. The proposed PD-TC district is located within 10,000 feet of the One Loudoun project, also approved as a PD-TC district. The purpose of the PD-TC district is to provide for compact, mixed use development "in areas consistent with the Comprehensive Plan, serving as focal points for substantial residential areas." (Section 4-801, Revised 1993 Zoning Ordinance). While the Revised General Plan noted that each of the four suburban communities should have a "town center," the location of those developments were to be established through a Community Planning process. The locations for such "town centers" have not yet been established; the Dulles Town Center is, however, planned for Urban Center development.

In short, the proposal does not bring a new "activity node" or "town center" to a location that was not identified for such development, but rather ensures a vibrant mix of uses in a pedestrian-oriented design in a location already planned and zoned for significant density. As noted above, since no zoning district existed at the time of submission to implement the Urban Center plan designation, the Applicant sought designation as PD-TC with modifications to best approximate Urban Center zoning. ***The public purpose is exceeded in that the use of the modified PD-TC district will provide a zoning framework needed for implementation of the Urban Center plan policies.*** The location of the PD-TC district should not be defined by the location of other such developments, but, in this case, by the Revised General Plan's recognition of the subject property as an appropriate location for a high-density mixed used Urban Center.

Staff Review:

Staff can support this modification. The land bays proposed as PD-TC (Planned Development – Town Center) are bounded on all side by existing streets (i.e. Route 7, Atlantic Boulevard, City Center Boulevard, and Champion Drive) and/or a perennial stream. Constraints created by these man-made and natural features dictate, in large extent, the area of the Urban Center and the corresponding area proposed as PD-TC. Alternate districts for the residual acreage above the required sixty (60) acres would not be logical as such would not allow for implementation of the mixed-use development program envisioned by the Revised General Plan. Consequently, a moderate increase in the size of the district is appropriate to correspond with the existing conditions of the site.

Zoning Administration has noted that the proposed PD-TC district is proposed within two miles of the approved One Loudoun and has questioned whether the combined 9.4 million square feet of commercial uses and 2,270 residential dwelling units can be absorbed and/or accommodated by the existing/planned transportation infrastructure. Staff notes that this site is designated as the County's sole Urban Center, and the proposed PD-TC district is intended to administer this designation. Though the vitality of two Town Centers within close proximity is in important consideration, Staff can conclude that modification of this provision is reasonable to respect the intent of the Revised General Plan.

Modification #2: Section 4-805(D). Lot Requirements. Yards, within the Town Center Core.

4-805 Lot Requirements.

(D) Yards, within the Town Center Core.

- (1) Front.** No minimum; 25 ft. maximum.
- (2) Side.** No requirement, except 15 feet minimum for a side yard of a non-residential use abutting a lot used or planned for residential purposes.
- (3) Rear.** No requirement, except 30 feet minimum for a rear yard of a non-residential use abutting a lot used or planned for residential purposes.

Proposed Modification Request:

Eliminate the Side and Rear yard requirements for uses abutting a lot used or planned for residential purposes.

Applicant Justification:

A minimum requirement for residential uses in mixed use buildings in the core has been added to the proffers – 100 units. In addition, consistent with discussions with staff, the proffers provide an incentive to provide additional residential in the core in mixed use buildings. The design cannot be accommodated without the proposed modification.

The ordinance requires 15' side yards for non-residential uses abutting a residential use and a 30' rear yard. Several buildings which are comprised of residential uses above retail space are proposed. In fact, the *DTC Design Guidelines* require that a particular proportion of several buildings be comprised of ground floor retail. Without the proposed modification, the requirement for vertical integration will undoubtedly be difficult to comply with, and the fine grained integration of uses envisioned will not be fully achieved.

The Revised General Plan calls for compact urban form in the location of the proposed PD-TC district. Mixed use urban developments do not carry through the 15-30' separation from adjacent uses that the PD-TC zoning district requires in some instances. **The proposed modification– improves upon existing regulation by more aggressively implementing the compact urban form, as recommended in the Revised General Plan.** Further, the

proposed modification allows for the *DTC Design Guidelines* to function as the overarching and consistent guide for the relationship of buildings to each other and the roadways. Again, supporting the uniform applicability of a set of design guidelines improves upon the existing regulations.

Staff Review:

The Revised General Plan envisions the Urban Center as a compact, pedestrian friendly environment with seamless transition between blocks and uses created by a continuous building façade along the streetscape. To facilitate such, staff has repeatedly requested the Applicant specify in the Design Guidelines that primary building facades occupy a minimum of eighty percent (80%) of the street frontages. Staff has also requested that residential uses be integrated and dispersed throughout the Urban Center. The Ordinance provision for a side and rear setback is contrary to these requests as residential uses would be required to be set back from adjacent uses making the eighty percent (80%) impossible to achieve and resulting in breaks in the streetscape. Initially, staff could not support this modification in the core as residential uses were limited to the Fringe. The current application provides a proffered commitment that one hundred (100) residential units will be located in a vertically integrated building(s) in the core. Consequently, staff can support this modification and finds that it improves upon the existing regulations by implementing the design envisioned by the Plan.

Modification #3: Section 4-805(E). Lot Requirements. Yards, within the Town Center Fringe.

4-805 Lot Requirements.

(E) Yards, within the Town Center Fringe.

- (1) Front. Ten (10) feet minimum; no maximum.***
- (2) Side. No requirement, except 15 feet minimum for a side yard of a non-residential use abutting a lot used or planned for residential purposes.***
- (3) Rear. No requirement, except 30 feet minimum for a rear yard of a non-residential use abutting a lot used or planned for residential purposes.***

Proposed Modification Request:

1. Eliminate the Side yard requirement for uses abutting a lot used or planned for residential purposes.
2. Reduce the Rear yard requirements to 10' for uses abutting a lot used or planned for residential purposes.

Applicant Justification:

As noted above, the *DTC Design Guidelines* require that a particular proportion of several buildings be comprised of ground floor retail. Without the proposed modification, the

requirement for vertical integration will undoubtedly be difficult to comply with, and the fine grained integration of uses envisioned will not be fully achieved.

The Revised General Plan calls for compact urban form in the location of the proposed PD-TC district. Mixed use urban developments do not carry through the 15-30' separation from adjacent uses that the PD-TC zoning district requires in some instances. **The proposed modification– improves upon existing regulation by more aggressively implementing the compact urban form, as recommended in the Revised General Plan. Further, the proposed modification allows for the *DTC Design Guidelines* to function as the overarching and consistent guide for the relationship of buildings to each other and the roadways. Again, supporting the uniform applicability of a set of design guidelines improves upon the existing regulations.**

Staff Review:

Staff can support this modification. As noted in modification #2, a reduction of the side and rear yards is necessary to maintain a continuous building façade, and this modification facilitates staff's request for a minimum of eighty percent (80%) of the street frontage to be occupied by a building wall. As opposed to the core where densities are intended to be greater, the inclusion of a modest rear yard setback in the fringe is warranted to allow for a scaling down of the intensity and a transition to adjoining land uses. Staff concludes that this modification improves upon the existing regulations by implementing the compact, pedestrian-friendly design envisioned by the Plan.

Modification #4: Section 4-805(F)(1). Lot Requirements. Other yard requirements. Adjacent to roads.

4-805 Lot Requirements.

(F) Other yard requirements

- (1) Adjacent to roads. Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer than twenty five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.***

Proposed Modification Request:

1. Buildings along Type A & B Streets will be setback a maximum of 20 feet from the back of curb.
2. Buildings along Type C Streets will be setback a maximum of 25 feet from the back of curb.
3. Buildings along Type D Streets will be setback a maximum of 20 feet from the back of curb.
4. Off street parking along Type A Streets will be setback a minimum of 25 feet from the back of curb.

5. Off street parking along Type B Streets will be setback a minimum of 20 feet from the back of curb.
6. Off street parking along Type C & D Streets will be setback a minimum of 15 feet from the back of curb.
7. For the purposes of this Modification Structured Parking will be treated as parking.
8. In cases where the Mass Transit Facility and Commuter Parking Lot and/or open spaces such as plazas, courtyards, greens, and other outdoor gathering places abut the street, buildings will not be subject to the maximum setback requirement.
9. The maximum building setback will apply to the ground floor level only. Levels above the ground floor may be terraced or setback in accordance with the Design Guidelines Urban Center Building Development standards.

Applicant Justification:

To create a pedestrian-friendly environment, roadways must be closely framed by buildings to create a comfortable space and should be served by wide sidewalks. Retail spaces will be facing the street, creating a key activity area that must be designed explicitly for pedestrian use. **This modification exceeds the public purpose by providing a streetscape design with maximum setback to ensure that the streetscape will be a comfortable defined space and supports a high pedestrian use area.** Reston Town Center and Cascades Marketplace both provide examples of how buildings, located in closer proximity to the roadway, are key design features of comfortable pedestrian spaces. Further the setback provided varies according to streetscape character. **This variation justifies the modification as an innovative design that is not supported by the zoning ordinance.**

Staff Review:

Staff has emphasized the need for this application to commit to a design that embraces a compact urban design that will, in turn, facilitate pedestrian mobility. Larger setbacks increase the distance between buildings and result in unnecessary breaks in the streetscape. The provision of a maximum setback effectively establishes a build-to line, forcing buildings closer to one another and to the street. In this manner, buildings frame the street, and the setback area becomes the pedestrian zone in which sidewalks, outdoor seating areas, etc. are located.

The street hierarchy defines streets based upon functionality and their role within the Urban Center. Relating the setbacks to this hierarchy defines specific areas where the applicable setbacks will be realized, providing a framework through which design objectives will be realized. Minimum setbacks for off-street or structured parking are appropriate given the nature of the use, and the most significant reductions for parking are proposed along streets (i.e. Type C and D) that are intended to be secondary in nature and primary points for vehicular ingress / egress. Provisions within the Design Guidelines requiring parking to be located interior to a block and requiring the wrapping of parking with other uses (i.e. residential, office, etc.) along Type A and B streets should not create inconsistencies in the streetscape due to differences in the minimum and maximum setbacks for buildings as opposed to parking. As such, staff can support this modification and finds that it improves upon the existing regulations by implementing the vision of the Urban Center and relating setbacks to the context of a street.

Modification #5: 4-806(A). Building Requirements. Lot Coverage.

4-806 Building Requirements.

- (A) **Lot Coverage.** No requirement within the Town Center Core; .70 maximum within Town Center Fringe.

Proposed Modification Request:

Allow up to .90 maximum Lot Coverage within Town Center Fringe, within 400' of the Town Center Core.

Applicant Justification:

The Urban Center policies call for high intensity development in this location, and the increased lot coverage improves upon existing regulations by supporting a type of development that is consistent with plan policy. For example, in the portion of Land Bay TC-2 that is in the Fringe includes mixed use residential, retail and office uses with mixed use residential buildings west of Hadley's Park. Application of a .7 lot coverage in this location would prevent this type of building orientation. The Town Center as a whole proposes an FAR of 1.0. Further, increased lot coverage implements a design program that includes the reduced building setbacks proposed and that is implemented through the *DTC Design Guidelines*. **The proposed modification improves upon existing regulations by supporting the design and level of intensity called for in the Revised General Plan.**

The lot coverage increase is only applicable in close proximity to the Town Center Core.

Staff Review:

The provision to allow a lot coverage that would otherwise be specific to the Core within the Fringe effectively increases the intensity of the entire district. The intent of minimum lot coverage is aligned with the intent of the core/fringe in that higher intensities are provided central to the district and lesser intensities are located at the perimeter. Increasing the lot coverage in the fringe allows little differentiation between the two. The provision stating the boundary of the 0.90 lot coverage will be limited to four hundred feet (400') of the core effectively includes the entire Fringe except Land Bay TC-3. Finally, as stated in Section 4-802(B), *Town Center Fringe*, the Fringe will be balanced "...with residential and other uses...." This implies the need for additional open space which would be realized under a less intense lot coverage. **Staff cannot support this modification.**

Modification #6: 4-806(B). Building Height.

4-806 Building Requirements.

- (B) **Building Height.** Sixty (60) feet in the Town Center Core, forty (40) feet maximum in the Town Center Fringe, except that the towers and/or steeples of civic buildings may be erected to a maximum height of 100 feet if the building is set back from public street or from lot lines that do not constitute boundaries of

districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than 2 feet for each 1 foot of height that exceeds the 35-foot limit.

Proposed Modification Request:

Permit a maximum building height of up to two hundred feet (200') within the Town Center Core and a maximum building heights of up to one hundred thirty-five feet (135') within the Town Center Fringe without any additional building setbacks.

Applicant Justification:

The Urban Center policies calls for high intensity development in this location, and the proposed modification for increased height improves upon the existing regulations by supporting a type of development that is consistent with plan policy. The Town Center as a whole proposes an FAR of 1.0, and to achieve the goal of an intensity that can truly serve as Loudoun's only Urban Center, greater vertical yield than anticipated by the PD-TC district is needed. The proposed heights will accommodate buildings that are similar in scale to other mixed use developments in the region.

The Design Guidelines, in concert with this proposed modification, will ensure that the most significant buildings will be located in the Core. A design that reflects variation in building mass and height is called for. In addition, architectural features which ensure that the vertical massing of buildings is addressed to provide a "human scale" environment are specified in the Design Guidelines.

Staff Review:

Height modifications may be reasonable, where appropriate, to realize the maximum economic potential for the Urban Center and to compensate for the conversion of employment related land uses to residential. Notwithstanding, staff is cognizant of adjoining land uses and the compatibility issues resulting from locating structures in close proximity that are not consistent regarding mass and scale. As such, a wholesale increase in height is not appropriate and restrictions of height should be included based upon adjoining land use. Given the elevation of the core related to its surroundings, the absence of incompatible uses immediately adjacent, and to maximize its role as the epicenter of the Urban Center, a height of two hundred feet (200') is not unreasonable in the Core. Staff appreciates the efforts to reduce the height in the Urban Center Fringe, Land Bay TC-3, to sixty-feet (60'). Whereas this was intended to ensure compatibility with the Countryside Community, a similar height restriction should be considered adjacent to Hadley's Park, opposite the Remington Apartments. **Staff cannot support this modification at this time.**

Modification #7: 4-807(A). Land Assembly Requirements.

4-807 Land Assembly Requirements.

- (A) *The maximum size of the Town Center Core shall be twenty (20) acres.*

Proposed Modification Request:

Permit the size of the Town Center Core to increase to approximately 24.5 acres as shown on the Concept Development Plan.

Applicant Justification:

The primary goal of the Town Center design is to have Dulles Center Boulevard function as a main street that is integral to the Town Center as opposed to simply a through street. The Town Center Core is defined by Dulles Center Boulevard, which serves as the "main street," and the major north-south cross street that provides a pedestrian connection to the existing mall. The Town Center Core includes all buildings and spaces that relate to these two defining streets. **This modest increase in Town Center Core size improves upon the existing regulations by incorporating these primary streets into a logical and cohesive central element for the Town Center.**

Staff Review:

Originally, this modification requested an increase in the size of the Town Center Core to twenty-seven (27) acres and proposed a configuration wherein the Core was adjacent to Atlantic Boulevard. The Revised 1993 Zoning Ordinance states that the Town Center Core will be located "within or near the geographic center of the development." This provision recognizes the increased intensity anticipated within the core and provides for separation to ensure compatibility with adjoining uses. As such, a larger core abutting Atlantic Boulevard was not acceptable. In response, the size of the Core was decreased to the current 24.5 acres, and the configuration was amended such that it was located in the geographic center of the development. Staff recognizes the intent of the core is to centralize pedestrian activity and appreciates the inclusion of the Type A and B Streets, intended to be the nucleus of the activity for the Urban Center. Because Dulles Center Boulevard has been constructed and is fixed, a modest increase in the size of the core is necessary to be inclusive of the aforementioned streets. As such, staff can support this modification, and finds that it improves upon the existing regulations by allowing a Core which is inclusive of its primary activity nodes.

Modification #8: 4-807(B). Land Assembly Requirements.

4-807 Land Assembly Requirements.

- (B) *The maximum distance from one boundary of the Town Center Core to the farthest boundary shall not exceed 1,200 feet.*

Proposed Modification Request:

Allow a maximum distance of 1,500 feet from one boundary of the Town Center Core to the farthest boundary.

Applicant Justification:

As noted above, the Town Center Core is defined by two pedestrian-oriented streets and the core is defined to include the most active areas and all key pedestrian connections (e.g. to the mall). Dulles Center Boulevard already exists and defines the geometry of the Town

Center. This modest increase in maximum distance from one boundary of the Town Center Core to the farthest boundary improves upon the existing regulations by incorporating these primary streets into a logical and cohesive central element for the Town Center.

Staff Review:

As noted in the Staff Review of Modification #7, previous iterations of the application depicted a larger core abutting Atlantic Boulevard, which was not acceptable. The core/fringe boundary has since been reconfigured such that the core is internal to the development and separated from Atlantic Boulevard. Recognizing the physical limitations of the existing roadway network and the need for the core to be inclusive of the primary pedestrian thoroughfares, staff can support this modification.

Modification #9: 4-807(C). Land Assembly Requirements.

4-807 Land Assembly Requirements.

- (C) *The maximum distance from one boundary of the entire Town Center to the farthest boundary shall not exceed 2,500 feet.*

Proposed Modification Request:

Allow a maximum distance of 3,200 feet from one boundary of the Town Center to the farthest boundary.

Applicant Justification:

Dulles Center Boulevard already exists and defines the geometry of the Town Center. This modification improves upon the existing regulation by providing for a Town Center that supports a redesigned Dulles Center Boulevard throughout the entire Town Center. Dulles Center Boulevard has been redesigned to be the "Main Street" of the Town Center and the application seeks to apply the pedestrian-oriented format *comprehensively*.

Staff Review:

As previously stated, Staff can concur that an increase in the maximum distance is necessary, given the limitations imposed by the existing alignment of Dulles Center Boulevard. The decrease in the size of the core from that previously proposed and the reconfiguration of the core to be internal to the development address the design concerns previously noted in Modifications #8 and #9. As such, staff can support this modification.

Modification #10: 4-808(B). Land Use Arrangements and Use Limitations.

4-808 Land Use Arrangements and Use Limitations.

- (B) *The perimeter of a full block should generally range from 1,400 to 1,600 feet measured at the property (right-of-way) line.*

Proposed Modification Request:

The perimeter of a full block should generally range from 1,400 to 2,000 feet measured at the curb. Blocks that include structured parking shall have a maximum perimeter of 3,000' measured at the curb.

Applicant Justification:

Again, the existing geometry of Dulles Center Boulevard is a defining feature of the Town Center layout. While a grid pattern with a high level of interconnectivity is provided, several of the block shapes must accommodate the curvilinear Dulles Center Boulevard creating a slightly longer block. Similarly, the incorporation of structured parking within a block, particularly where residential, retail and office uses "wrap" the parking structure, results in a larger block. **The modification improves upon existing regulations by accommodating blocks with a curvilinear side and/or with structured parking.**

Staff Review:

The provision of the Ordinance limiting the perimeter of a block is intended to facilitate a pedestrian friendly environment by ensuring a reasonable walking distance between uses and is in concert with the Revised General Plan's vision of a rectilinear pattern of small blocks. Larger blocks are indicative of more intensive uses and often require a substantial amount of structured parking, the blank facades of which may impede pedestrian mobility. Staff acknowledges the Applicant's assertion that the geometry of Dulles Center Boulevard is fixed and the curvilinear nature of the street necessitates slightly larger blocks. Notwithstanding, Staff has advocated that block perimeters not exceed two thousand (2,000) feet, and in instances where the block length exceeds four hundred (400) feet, mid-block features such as an alley, driveway, pedestrian way or other significant pedestrian feature such as a plaza, park, or promenade be incorporated as a mitigating measure to break the monotony. The Applicant has included such a provision within the Design Guidelines. As such, staff can support the modification and concludes that it improves upon the existing regulations by accommodating the existing development constraints created by Dulles Center Boulevard.

Modification #11: 4-808(C). Land Use Arrangements and Use Limitations.

4-808 Land Use Arrangements and Use Limitations.

(C) *Each block in the Town Center should be designed to include an alley.*

Proposed Modification Request:

Eliminate the requirement to include alleys in each block of the Town Center. Alleys will be provided in blocks as necessary to ensure safe vehicular access, loading, and emergency vehicle access to all areas of the Town Center.

Applicant Justification:

The definition of "Alley" is "A right-of-way which provides secondary and/or service access for vehicles to the side or rear of abutting properties whose principal frontage is on another

street.” (Article 8, Revised 1993 Zoning Ordinance) The architecture in the proposed Town Center is 4-sided; there are no obvious rear entrances. Type C and D supportive streets are designed to provide connections between larger streets, as well as to buildings and parking areas. They are not, however, necessarily “behind” buildings as an alley would be. Alleys may be provided but, with the proposed modification, they would not be required in every block. The *DTC Design Guidelines* have been revised to define a clear street hierarchy, setting forth detailed standards for design and function of each type of street. Further, interconnectivity is provided by pedestrian-only connections in several areas, so the fine-grained integration of the Town Center is provided by Type C and D streets in conjunction with pedestrian connections. **This modification achieves an innovative design by ensuring that duplicative and excessive vehicular circulation is not required if the street system had to be augmented by alleys within every block.**

This modification is not applicable in TC-1 where an alley/service way is needed to provide connectivity through the rear of this narrow land bay.

Staff Review:

Staff cannot support this modification at this time. Alleys within an urban environment are essential to provide emergency access to all sides of a building. Alleys are also used to provide secondary and service access to structures, the absence of which forces those functions to occur within the street. Staff is particularly concerned about the lack of access to the northern portions of Land Bay TC-1. In response to these concerns, the Applicant has amended the language of the modification to state that “alleys will be provided as necessary...” The Justification further states, “This modification is not applicable in TC-1 where an alley / service way is needed to provide connectivity through the rear...” **Staff could support this modification if the language noted in the Justification were included in the modification, clarifying verbiage that is otherwise ambiguous and lacking specificity.**

Modification #12: 4-808(E). Land Use Arrangements and Use Limitations.

4-808 Land Use Arrangements and Use Limitations.

- (E) *At least seventy (70) percent of the total of all block frontages within the Town Center Core shall be occupied by pedestrian oriented businesses on the ground floor, preferably retail stores and shops.*

Proposed Modification Request:

At least seventy (70) percent of the total of all Type A & B block frontages within the Town Center Core shall be occupied by pedestrian oriented businesses on the ground floor, preferably retail stores and shops.

At least forty (40) percent of the total of all Type A & B block frontages within TC-1 and TC-2 and the total of Type C block frontages along Hadley’s Park within TC-2 Fringe shall be

occupied by pedestrian oriented businesses on the ground floor, preferably retail stores and shops.

Block frontage at the Mass Transit Facility and Commuter Parking Lot and/or open spaces such as plazas, courtyards, greens and other outdoor gathering places will be excluded from this calculation.

Applicant Justification:

This zoning provision is designed to accomplish 2 goals – provide an enclosed street design and ensure that the primary streets in a Town Center are predominantly occupied ground floor retail. The proposed modification addresses these goals separately.

The modification increases the proportion of block frontages that must be enclosed by a building from 70% to 80% for all A & B streets, while clarifying that formal open spaces at "...parks, plazas, and other public gathering spaces" are not discouraged. Also, the transit center, which may not line the street in the same way as an office or retail building is excluded. The proposed modification of this requirement would support a more diverse built environment but ensures that buildings provide the enclosure of streets required to provide a comfortable pedestrian environment. In concert with the proffers, it ensures that 70% of the buildings on A & B streets in the core as well as Hadley's Park extended, and that the C street facing Hadley's Park is occupied by 40% ground floor retail.

The modification achieves an innovative design by both providing a comfortable pedestrian street network well-enclosed by buildings but also accommodating the planned diversity in building types and open spaces facing the streets.

Staff Review:

Staff cannot support this modification at this time. The inclusion of pedestrian oriented business on the ground floor along block frontages is essential to create continuity of activity and engage the street. Conversely, blank facades or uninterrupted walls stagnate the street and discourage pedestrian mobility. As such, both Community Planning and Zoning staff have requested a minimum percentage of commercial retail uses along street frontages in the Town Center Core. Similarly, staff has requested that block frontages along existing Hadley's Park, the proposed extension of Hadley's Park, the Civic Plaza, and the Town Green include similar commitments. Staff acknowledges that the modification language achieves this objective along street frontages and along Hadley's Park; no commitment is provided along the Civic Plaza or the Town Green. Staff further acknowledges the modification expands the Ordinance requirement to include primarily thoroughfares outside of the Urban Center Core. **Staff recommends the modification language be expanded to include a commitment similar to that provided for Hadley's Park for buildings adjacent to the Civic Plaza and the Town Green. Given the language is modified as recommended, Staff could recommend approval of the modification.**

Modification #13: 4-808(F). Land Use Arrangements and Use Limitations.

4-808 Land Use Arrangements and Use Limitations.

- (F) *A minimum of (25%), maximum of (50%) of the total land area within the Town Center shall be residential use.*

Proposed Modification Request:

Allow a minimum of twenty percent (20%) of the total land area within the Town Center to be residential use.

Applicant Justification:

The proffers have been revised to ensure residential uses in mixed use buildings, both in the core and fringe (minimum of 100 units in mixed use buildings in the core and minimum of 200 units in mixed use buildings west of Hadley's Park in the fringe) As proposed, twenty-two percent (22%) of the land area is proposed for buildings that are predominantly residential in nature. The Applicant desires to retain the predominance of employment uses in the Town Center, reflecting its planned land use as an Urban Center, and as such requests a slight reduction in the required residential land use. We note that if the land use mix is assessed according to floor area, reflecting the fact that it is a vertically mixed space, the residential use comprises twenty-seven percent (27%) of the proposed floor area. **The proposed modification exceeds the public purpose by supporting implementation of the planned land use mix that calls for employment uses to be dominant.** It reflects the notion that a modified PD-TC district can be used to approximate the needed PD-Urban Center district.

Staff Review:

Staff can support this modification. Staff acknowledges and concurs with the intent of this provision to ensure a balanced mix of uses. Staff also recognizes the site's prominent location adjacent to Route 7 and within the Route 28 Tax District. To ensure no net loss of employment related land uses and to leverage the economic potential this site affords, a reduction in the percentage of residential uses is warranted and is in the best interest of the County. Staff further notes the percentage of proposed residential uses calculated by overall square footage, twenty-seven percent (27%), exceeds the twenty-five percent (25%) anticipated by the Revised General Plan for the Urban Center. Providing the percentage required by the Ordinance would result in the application being further out of compliance with the Plan. As such, Staff concludes the proposed modification exceeds the public purpose by allowing for greater compliance with the Plan and minimizing any potential negative fiscal impacts to the County.

Modification #14: 4-808(H). Land Use Arrangements and Use Limitations.

4-808 Land Use Arrangements and Use Limitations.

- (H) *At least (10%) of all land within the Town Center shall be for civic uses, such as government offices, public meeting halls, libraries, art galleries or museums,*

post office, churches, and like uses which generate pedestrian activity and act as visual focal points.

Proposed Modification Request:

At least (6%) of all land within the Town Center shall be for civic uses such as but not limited to Mass Transit Facility and Commuter Parking Lot, Covered Amphitheater, Community Center, Public Plaza, & Sheriff Substation.

Applicant Justification:

The Town Center as a whole is designed and intended to function as a community center for the surrounding properties and existing neighborhoods. It is defined by open spaces and pedestrian accessibility, so a small proportion of formal civic spaces is justified.

The modification is proposed to ensure that areas in the Town Center which are provided as community gathering spaces and create focal points for activities are encouraged, recognized for their civic value and supported. A highly designed, relatively dense environment is best served by a mix of civic spaces that include appropriately furnished open areas in addition to buildings designated for public uses. **This modification exceeds the public purpose by supporting the type of civic space needed in a vertically mixed, high density environment – civic space should be diverse and should include a great deal of structured outdoor spaces to meet various needs.**

The zoning requirement contains the phrase “and like uses”. The definition provided in Article 8 of the Zoning Ordinance further specifies that civic uses include those listed above and “like uses which generate pedestrian activity and act as a visual focal point.” We believe that the facilities proposed as civic uses all meet this requirement.

Staff Review:

Staff cannot support this modification and considers the deficiency in civic uses below the standards of the Revised 1993 Zoning Ordinance and that anticipated by the Revised General Plan a critical issue. The purpose of the PD-TC (Planned Development – Town Center) district as stated by the Ordinance is to provide “Civic buildings for assembly, or for other civic purposes, that act as landmarks, symbols, and activity centers for community identity.” The importance is reiterated by the Plan which states civic uses will serve as “...landmarks and symbols of community identity.” Consequently, the request to reduce the required percentage is contrary to the intent of the district as noted in the Ordinance and in conflict with the vision of the Urban Center as stated in the Plan. Staff further notes that a civic use is defined by the Ordinance as “...Government offices, public meeting halls, libraries, art galleries or museums, post office, and churches, and like uses which generate pedestrian activity and act as visual focal points.” The modification to include the commuter parking lot as a civic use is not consistent with this definition.

Modification #15: 4-808(K). Land Use Arrangements and Use Limitations.

4-808 Land Use Arrangements and Use Limitations.

- (K) *Sidewalks shall be provided adjacent to all streets. Such sidewalks shall be at least eight (8) feet wide within the Town Center Core and at least five (5) feet wide within the Town Center Fringe.*

Proposed Modification Request:

Sidewalks shall be provided adjacent to all streets. Such sidewalks shall be at least eight feet (8') wide along Type A & B Streets and at least five feet (5') wide within the remainder of the Town Center.

Applicant Justification:

Portions of Type C supportive streets are located in the Town Center Core, but because they serve a supporting role similar to an alley, they are proposed to have five foot (5') sidewalks. Similarly, portions of Type A & B Streets are located in the Fringe but will have a sidewalk that is a minimum of eight feet (8') in width. We propose that sidewalk width be determined by street type instead of location within the Fringe or Core. **The modification exceeds the public purpose by supporting sidewalks of appropriate widths and allowing street type to provide a consistent design framework throughout the Town Center.**

Staff Review:

Staff can support this modification. The width of a sidewalk should correspond to the intended purpose of the street. Type A and B Streets are intended as primary pedestrian thoroughfares and, as such, should include a greater sidewalk width. This modification effectively imposes a more stringent requirement than that required by the Ordinance by extending eight-foot (8') wide sidewalks beyond the boundaries of the Core and into the Fringe. Staff concludes this modification improves upon the existing regulations by using the functionality of the street within the context of the Urban Center as the determining factor of sidewalk width rather than the limiting boundary of the core / fringe line.

Modification #16: Section 5-611(B)(2). Additional Regulations for Specific Uses. Hotel/Motel. Site Development Criteria.

5-611 Hotel/Motel.

(B) Site Development Criteria.

- (2) *Hotel/Motel uses shall be separated from agricultural, residential, or institutional uses by a landscape buffer with a minimum width of 100 feet, or the minimum width required by Section 5-1400 of this Ordinance, whichever is greater.*

Proposed Modification Request:

Waive the requirement for a 100' width landscape buffer between Hotel/Motel uses and agricultural, residential or institutional uses in the Town Center, Land Bays TC-1 and TC-2.

Applicant Justification:

The proposed hotel may have residential located above the ground floor level and is planned to be within 100' of retail buildings, that could incorporate residential on upper levels. **The proposed modification improves upon the existing regulation by ensuring that residential and hotel uses can be in close proximity to each other, facilitating a mix of uses both vertically and horizontally.**

Staff Review:

Similar to the request to eliminate the side yard requirement for uses abutting a lot planned for residential purposes noted in Modification #3, the provision to eliminate the one hundred foot (100') landscape buffer for hotel/motel uses adjacent to residential is necessary to ensure a seamless transition between uses. Though vertically integrated residential buildings are encouraged, Staff questions the practicality of providing residential uses over a hotel/motel. Notwithstanding, staff anticipates residential uses will be located within one hundred feet (100') of a hotel/motel use as it has advocated dispersion of dwelling units throughout the Urban Center. Providing buffering between the two is in contradiction to the request that a minimum percentage of the street frontage be flanked with a continuous building façade. As such, Staff can support this modification and finds that it improves upon the existing regulations by allowing for implementation of design objectives appropriate to the Urban Center.

Modification #17: Section 5-900(A)(10). Access and Setbacks from Specific Roads and the W&OD Trail. Building and Parking Setbacks from Roads. Other Major Collector Roads.

5-900 Access and Setbacks from Specific Roads and the W&OD Trail.

(A) Building and Parking Setbacks from Roads.

(10) Other Major Collector Roads.

(a) Building: 75 feet.

(b) Parking: 35 feet.

Proposed Modification Request:

Within Land Bay TC-1 allow for a minimum building and parking setback of fifty (50') to City Center Boulevard. Within Land Bay CC-1 allow for a minimum building and parking setback of twenty-five feet (25') to Atlantic Boulevard.

Applicant Justification:

PD-TC-1. The existing residential use adjacent along City Center Boulevard has a building setback of twenty-five feet (25'). Residential land use is proposed across Dulles Center Boulevard at the intersection of Dulles Center Boulevard and City Center Boulevard in this location of the Town Center so that like uses face each other along Dulles Center Boulevard. The modification increases the setback along City Center Boulevard, in relation to the

existing setbacks, but will support a cohesive frontage along City Center Boulevard. Without modification, the zoning provision would result in a disjointed frontage along City Center Boulevard with a setback of seventy-five feet (75') leading into an area that has a twenty-five foot (25') setback. **The modification exceeds the public purpose by ensuring that the existing and proposed residential areas, facing each other across Dulles Center Boulevard, will also have a cohesive frontage along City Center Boulevard.**

With regard to the proposed reduction of the setback along the Atlantic Boulevard frontage of Land Bay CC-1, the existing development has provided a 25' setback, and the Applicant hopes to provide a consistent frontage along Atlantic Boulevard. The Concept Development Plan has been revised to show the setbacks proposed throughout the CC-1 land bay, and the Design Guidelines have been revised to commit to additional landscaping along Atlantic which is otherwise not called for.

Staff Review:

Staff can support the modification for a reduction in the setbacks along City Center Boulevard for TC-1 but cannot support a reduction along Atlantic Boulevard for CC-1. Recognizing existing residential uses (i.e. Remington Apartments) maintain a twenty-five foot (25') setback along City Center Boulevard, Staff can support a reduction for TC-3 to fifty-feet (50') to maintain consistency. Staff notes that the modification increases the parking setback from that otherwise allowed by the Ordinance, and based upon commitments to intensity well below that allowed by the PD-TC district, Staff can conclude the intent of the modification is not to increase the yield of the property.

Conversely, Staff cannot support reduction of the setbacks from Atlantic Boulevard for Land Bay CC-1. As discussed subsequently in Modifications #21 and #22, CC-1 is intended as a vehicular dependent land bay utilizing a number of stand-alone retail pad sites. Given the nature of such uses, Land Bay CC-1 should conform to the standards of the Ordinance.

Modification #18: Section 5-900(A)(11). Access and Setbacks from Specific Roads and the W&OD Trail. Building and Parking Setbacks from Roads. All other roads in Nonresidential Districts.

5-900 Access and Setbacks from Specific Roads and the W&OD Trail.

(A) Building and Parking Setbacks from Roads.

(11) All other roads in Nonresidential Districts.

(a) Building: As specified in the applicable district regulations.

(b) Parking: 25 feet unless otherwise specified in applicable district regulations.

Proposed Modification Request:

Building setbacks will be provided as specified in applicable district regulations unless otherwise modified. Parking setbacks will be 25 feet unless otherwise specified in applicable district regulations or otherwise modified.

Applicant Justification:

This modification is included to provide internal consistency with other setback modifications.

Staff Review:

The language of this section which states building and parking setbacks will be as specified in the applicable district regulations reaffirms the building and parking setbacks noted in Section 4-805(F)(1) *Lot Requirements. Other Yard Requirements. Adjacent to Roads*, previously modified (Modification #4). A modification of one necessitates a modification of the other. As noted in the analysis of Modification #4, Staff can support this modification as it implements the design objectives advocated for the Urban Center and establishes the setbacks for a street based upon its intended functionality.

Modification #19: Section 5-1102. Number of Parking and Loading Spaces Required. Table 5-1102 (Parking Spaces Required / Loading Spaces Required); Office and Business Services.

Requirement: General Office and Medical Offices. Parking Spaces Required: 4/1,000 sq. ft. of GFA for up to 30,000 sq. ft.; 3.3/1,000 sq. ft. of GFA thereafter.

Loading Spaces Required. None for the first 30,000 sq. ft. then one/100,000 sq. ft. thereafter.

Proposed Modification Request:

Allow the required parking spaces for General Office use within the NRU-CFC Parcel (Tax Map 80(36)1 / PIN 028154517) and any future parcels created by subdivision to be provided per the following rate equivalent to the Loudoun County 1972 Zoning Ordinance Parking Standards.

General Offices and Medical Offices

Parking Spaces Required: 2.3/1,000 SF of GFA

Loading Spaces Required: None for the first 30,000 SF then 1/100,000 SF thereafter

Applicant Justification:

The NRU-CFC parcel has an active site plan in process with Loudoun County for relocation of their corporate headquarters to Loudoun. While their site plan is developing independently from the rezoning application under the by-right 1972 PD-OP zoning, including the parcel in the rezoning application allows the Applicant to reduce the overall developable density in Land Bay OP-2 and redistribute said density to the Urban Center (Land Bays TC-1 & TC-2). A reduction of the Revised 1993 Zoning Ordinance parking requirements has been requested as NRU-CFC has a conditionally approved site plan under the by-right 1972 Zoning Ordinance parking requirements and is seeking a LEED Gold certification including reduced impervious surface and overall minimization of site disturbance.

Staff Review:

The parcel to which this modification will apply has conditional site plan approval for a 120,000 office building and associated parking, intended as the headquarters for the National Rural Utilities Cooperative Finance Corporation (CFC), permitted pursuant to ZMAP 1990-0014, Dulles Town Center. Parking and loading spaces will be provided pursuant to the standards of the 1972 Zoning Ordinance, under which it was reviewed and approved. Upon approval of the current application, the acreage will be converted to the Revised 1993 Zoning Ordinance and will be subject to a greater parking / loading space requirement. The intent of this modification is to retain the standards of the '72 Ordinance such that additional spaces will not be required if the building were to expand. Staff appreciates the Applicant's intent with this modification to prevent the need to retrofit an approved use at some point in the future. Notwithstanding, Staff asserts that any future buildings should be subject to the standards of the applicable Revised 1993 Zoning Ordinance. **As such, staff cannot support this modification.**

Modification #20: Section 5-1405(A). Buffer Yards and Screening, General Provisions.

5-1405 Buffer Yards and Screening, General Provisions.

- (A) ***Buffer yards and screening shall be provided in accordance with the Buffer Yard and Screening Matrix set forth in Section 5-1414(A), and in accordance with the provisions of this Section and Section 5-1406, 5-1407 and 5-1408 below.***

Proposed Modification Request:

No minimum buffer yard and screening shall be required within Land Bays TC-1 and TC-2.

Applicant Justification:

Buffer yards in these locations will have a negative impact on the primary goal of the zoning and proposed design – to create a well-integrated, pedestrian-friendly environment. **The proposed modification exceeds the public purpose by supporting land use design that provides integration of adjacent uses and buildings as opposed to separation with the need to buffer uses.**

Staff Review:

Staff can support this modification. As noted previously, the intent of the Urban Center is to create a pedestrian friendly environment with a seamless transition between blocks and uses. Reduced setbacks have been advocated to relocate structures closer to the street and minimize unnecessary breaks between buildings. The same approach is applicable to provisions which would otherwise require buffer yards, the inclusion of which would conflict with Staff's recommendations that a minimum percentage of a street frontage contain a continuous building façade. Staff notes this modification is not applicable to Land Bay TC-3 or to the OP and CC Land Bays in which buffer would be warranted based upon the proposed use. Staff can conclude this modification improves upon the existing regulations by

allowing implementation of design objectives consistent with the Revised General Plan's vision for the Urban Center.

Modification #21: Section 4-205(C)(1)(b). Lot Requirements. Yards. Adjacent to Roads. Community Center (CC).

4-205 Lot Requirements.

(C) Yards.

(1) Adjacent to Roads.

- (b) Community Center (CC).** *No building, parking, outdoor storage, areas for collection of refuse, or loading are shall be permitted closer than (35) feet to any road right-of-way, except as provided in Section 4-206(E). No parking, outdoor storage, areas for collection of refuse or loading space shall be permitted in areas between buildings and streets where such uses are visible from any road.*

Proposed Modification Request:

No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than 25 feet to any road right-of-way. No parking, outdoor storage, areas for collection of refuse, or loading spaces shall be permitted in areas between buildings and streets where such uses are visible from any road.

Applicant Justification:

A twenty-five foot (25') setback is permitted in the PD-SC district which has guided development adjacent to the proposed PD-CC(CC) district. In addition, the Design Guidelines have been updated to provide for landscaping treatment along Atlantic Boulevard. **The proposed modification exceeds the public purpose by synchronizing the zoning requirements of two separate but adjacent districts resulting in a consistent frontage.**

Staff Review:

CC-1 is a fragmented land bay broken into three separate parcels by Majestic Drive and an access drive to the Dulles Town Circle ring road. This modification proposes to reduce the yards along Atlantic Boulevard and Dulles Center Boulevard under the premise that a lesser setback permitted for existing retail uses governed under the 1972 Zoning Ordinance justifies the proposed reductions for the purpose of achieving continuity. Staff concurs that this justification may apply to the acreage east of the access drive currently developed as parking for an off-site restaurant, but the assumption that it applies for the remainder of the land bay is mistaken. Unlike the Urban Center where reduced setbacks have been supported to achieve an urban form of development and frame the street with buildings, this land bay is suburban in its design and will provide pad sites catering to the motoring public. In such an instance, setbacks for parking areas, loading areas, and collection of refuse should be maintained. **No rationale for consideration otherwise has been included, and as such, Staff cannot support this modification.**

Modification #22: Section 4-205(C)(3). Lot Requirements. Yards. Adjacent to Other Nonresidential Districts.

4-205 Lot Requirements.

(C) Yards.

- (3) Adjacent to Other Nonresidential Districts. Thirty five (35) feet for buildings, parking, outdoor storage, and loading areas, except where a greater area is required by Section 5-1400.***

Proposed Modification Request:

Allow yards for buildings, parking, outdoor storage, and loading areas adjacent to other nonresidential districts to be provided as depicted on the Concept Development Plan, except where a greater setback is required by Section 5-1400.

Applicant Justification:

Required buffer yards in several locations will have a negative impact on the primary goal of the zoning and proposed design – to create a well-integrated, pedestrian-friendly environment. **The proposed modification improves upon existing regulations by supporting land use design that provides integration of adjacent uses and buildings.** In addition, the Design Guidelines have been updated to provide for landscaping treatment along Atlantic Boulevard.

Staff Review:

This modification proposes a fifteen foot (15') yard along acreage fronting the Dulles Town Circle ring road which, by its design as a private road circling the mall, is not located within a right-of-way and would not otherwise have a setback pursuant to Section 4-205(C)(1)(b). A setback of ten-feet (10') is proposed along the northwestern boundary of the land bay, the south side of Majestic Drive, and east of an access road to Dulles Town Circle. Staff differs with the Applicant's justification that a reduction in yards is necessary to facilitate a well integrated, pedestrian friendly environment as the intended uses are, most likely, retail pad sites that cater to the motoring public. Parcels intended for automobile dependent uses should conform to the district regulations intended to provide buffering and screening for parking, loading, and collection of refuse. Staff acknowledges, once again, that the acreage, partially developed with parking for an off-site restaurant, east of the access drive may be unique and justifiable, but the remainder of the land bay is not. Staff further notes that though the Dulles Town Circle ring road is not a public road per se, it is four lanes and functions in a similar capacity. **The proposed reduction to fifteen feet (15') along the frontage seems excessive and as an alternative, staff would recommend a setback consistent with the thirty-five foot (35') setback noted in Section 4-205(C)(1)(b).** In conclusion, Staff cannot support this modification.

Modification #23: Section 4-206(C). Building Requirements. Building Height.

4-206 Building Requirements.

- (C) Building Height.*** *No building in any commercial center shall exceed forty five (45) feet.*

Proposed Modification Request:

Permit a maximum building height of up to 55 feet provided that buildings are set back from streets or from lot lines, with no additional setbacks.

Applicant Justification:

With this submission the CC-1 land bay has been expanded and the allowable density of .4 FAR referenced. Because this land bay is somewhat narrow and the shape of parcels constrained by the roadway, a more compact design will be required to achieve the zoned yield.

The Design Guidelines have been revised to address the massing, orientation, architecture and landscape/streetscape elements of the CC-1 land bay and achieve a coherent commercial area as a gateway to the Urban Center as well as the existing mall at this location. The modification requests not to provide additional setback as the design of the street frontage is specified and implemented by the Design Guidelines.

The proposed modification improves upon existing regulations by facilitating the efficient use of the land bay and ensuring that development therein can be consistent with the Design Guidelines.

Staff Review:

The Applicant's justification implies the modification is necessary to facilitate an increase in the allowable Floor Area Ratio (FAR) to the maximum yield allowed by-right by the Revised 1993 Zoning Ordinance. To demonstrate further compliance with the Keynote Employment policies noted in the Revised General Plan, Staff requested the FAR in the OP Land Bays increased to the maximum 0.6 allowed by the Ordinance. Staff did not request a corresponding increase in the FAR for Land Bay CC-1. Currently, CC-1 is not in compliance with the Destination Retail policies noted in the Countywide Retail Policy Plan Amendment as it proposes free-standing retail pad sites less than 50,000 square feet. Similar to previous discussions regarding yards, the land bay should conform to the standards of the Ordinance; height is no exception. Staff acknowledges those standards may limit achieving a yield of 0.4, but they do not preclude development. The assertion that additional height is needed to allow maximum yield is in conflict with the provisions of the Ordinance that state no modification shall be approved for the purpose of increasing density or FAR. Further, the justification for increasing height for this land bay will conflict with the stated justification in previous modifications (i.e. #21) which state maintaining consistency with existing development patterns as an objective. **Consequently, staff cannot support this modification.**

Modification #24: Section 4-206(D)(2). Building Requirements. Vehicular Access. Community Centers.

4-206 Building Requirements.

- (D) **Vehicular Access.** *Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods. Each commercial center shall provide a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major cartways, and provides other on and off-site improvements to enhance pedestrian and vehicular circulation. Minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by through and construction traffic. In addition, each commercial center shall provide convenient and coordinated vehicular access to public roadways only as follows:*

(2) Community Center. Collector Roads.

Proposed Modification Request:

Vehicular access to the proposed PD-CC(CC) district shall be from Dulles Town Circle via Atlantic Boulevard, a major collector.

Applicant Justification:

While Dulles Town Circle (i.e. the "Ring Road" around the mall) is not specifically designated as a "collector road", it provides access to all similarly situated uses – those located between Atlantic Boulevard and Dulles Town Circle. **The modification exceeds the public purpose by ensuring that access is provided in a manner consistent with adjacent properties.**

Staff Review:

Staff can support this modification. The intent of this provision is to ensure commercial traffic does not traverse residential streets, and if such uses are proximate to residential, access is limited to collectors that would have the design and capacity to support higher volumes. In this instance, the Dulles Town Circle ring road is a local road which encircles the Dulles Town Center Mall and provides primary ingress/egress to all of the existing retail pad sites that flank the perimeter. There are no direct curb cuts from these pad sites to Atlantic Boulevard, City Center Boulevard, or Nokes Boulevard. Staff concludes this modification improves upon the existing regulations by maintaining consistency with the existing development pattern and minimizing any detrimental impacts to Levels of Service (LOS) along the afore-mentioned routes caused by unnecessary curb cuts and the corresponding ingress / egress of vehicular traffic.

Modification #25: Section 4-306(B). Building Requirements. Building Height.

4-306 Building Requirements.

- (B) Building Height.** *Forty-five (45) feet provided that a building may be erected to a maximum height of (100) feet if it is set back from streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than one (1) foot for each one (1) foot of height that it exceeds the forty-five (45) foot limit.*

Proposed Modification Request:

Permit a maximum building height of up to one hundred seventy-five feet (175') within the proposed Land Bay OP-1 and a maximum building height of up to one hundred thirty feet (130') within the proposed Land Bay OP-2 without any additional building setbacks.

Applicant Justification:

The OP-1 land bay may develop up to .6 FAR, pursuant to staff recommendations which mirror updates in the zoning ordinance. Further the proffers specify that to achieve a .6 FAR in OP-1, additional Tree Conservation Area must be provided.

The proposed modification would support a building of 11-stories in OP-1 and 9-stories in OP-2. It supports the development of an office building of significant stature desired by the County in the Route 28 corridor. The additional setbacks create a 45 degree bulk plane angle, which typically is used to ensure that increased building heights do not have a deleterious impact on adjacent properties. In this instance, the development area is bounded on the west side by Route 28 and the east by Atlantic Boulevard so that increased heights would not overshadow or affect any other properties. Additionally, multiple buildings are planned for this area, and the modification allows for a consistent building setback instead of a different setback for each significant building. Lastly, the Design Guidelines address the view from Route 28 and location of parking structures to ensure that buildings are the prominent feature of the site. **The modification improves upon existing regulations by supporting the development of structures that create the stature desired for Route 28 and by allowing for a consistent setback even when buildings have different heights.**

Staff Review:

Staff cannot support this modification as proposed. Staff acknowledges the purpose of the PD-OP (Planned Development – Office Park) district as stated by the Revised 1993 Zoning Ordinance is to provide for buildings of a “moderate height.” Staff also recognizes the intent of the Keynote Employment land use designation is to promote “...100-percent premier office or research-and-development centers...” with “...high visibility along major corridors...” Recent efforts by the Board of Supervisors, including the Route 28 Outreach Project and the current Market Study, have sought to solidify this vision. Recognizing the intent of Keynote Employment may contradict with the Ordinance provision for moderation, Staff asserts that increased height is reasonable to further comply with the latter.

Increasing height, however, is not necessary in concert with a decrease in setback as the two are not mutually exclusive. Setbacks are intended to provide buffering, and the provision for a one-to-one ratio (1:1) is intended to ensure a building maintains a setback proportionate to its height. An increase in height with no additional building setbacks removes this possibility. The Applicant has stated in its justification that the land bays are bounded by Route 28 and Atlantic Boulevard and that no incompatible uses are proximate. Indeed, staff notes, however, a setback is not only intended to buffer a proposed use from those on adjoining parcels but to buffer the use from the impacts of adjacent roadways, one of which is intended to be an eight (8) lane principal arterial. Staff concludes that though an increase in height is reasonable, the proposal to effectively decrease the setbacks is not. **Staff recommends consideration be given to establishing a one-to-one (1:1) setback ratio, consistent with that required by the Ordinance, for any building heights proposed over one hundred feet (100').**

Modification #26: Section 1245.01(2). Lots and Building Areas

1245.01 Lots and Building Areas.

- (2) *Except where otherwise specifically provided for in these regulations or in the Zoning Ordinance, all lots shall front on an existing or recorded public street dedicated by the subdivision plat and maintained or designed and built to be maintained by the Virginia Department of Transportation.*

Proposed Modification Request:

Permit the use of private streets in the PD-TC district.

Applicant Justification:

A primary goal of the Town Center design is to provide a pedestrian-friendly environment. Modifications to the FSM are proposed to permit a reduction in the overall scale of the horizontal geometry of streets within the Town Center that is one of several strategies to be employed to "calm" or slow down traffic within the Town Center, particularly on Dulles Center Boulevard. **This modification improves upon existing regulation by supporting private streets which could then be developed under local standards that can better support a more pedestrian-friendly street design.**

Staff Review:

This modification is intended to facilitate the privatization of Dulles Center Boulevard to a private street as well as allow the use of private streets elsewhere in the Urban Center. The Applicant has proposed to privatize Dulles Center Boulevard to essentially provide for a reclassification of the road from its current suburban orientation to an urban street utilizing traffic calming measures and on-street parking. Dulles Center Boulevard is a local road that does not serve uses beyond the scope of immediately adjacent parcels. Consequently, Staff is supportive of this concept and recognizes future lots may not have access to a public street as would otherwise be expected by the Land Subdivision and Development Ordinance (LSDO). Staff can support this modification.

Modification #27: Section 1245.02. Private Access Easement Roads.

1245.02 Private Access Easement Roads.

Private access easement roads designed and constructed in accordance with the Facilities Standards Manual (FSM) may serve as frontage in lieu of public streets in [certain settings].

Proposed Modification Request:

Provide access easement roads designed and constructed in accordance with the FSM may serve as frontage in lieu of public streets in the PD-TC district.

Applicant Justification:

A primary goal of the Town Center design is to provide a pedestrian-friendly environment. Modifications to the FSM are proposed to permit a reduction in the overall scale of the horizontal geometry of streets within the Town Center that is one of several strategies to be employed to “calm” or slow down traffic within the Town Center, particularly on Dulles Center Boulevard. **This modification improves upon existing regulation by supporting private streets which could then be developed under local standards that can better support a more pedestrian-friendly street design.**

Staff Review:

The need for this modification is in concert with Modification #26. The privatization of Dulles Center Boulevard may result in future lots not having access to a public street. The Land Subdivision and Development Ordinance (LSDO) provides certain instances where lots may front an access easement road in lieu of a public street. The modification essentially adds another circumstance, specific to the Urban Center, in which such may be permitted. Staff can support this modification.

Modification #28: Section 1245.05(1)(b). Street Improvements.

1245.05 Street Improvements.

(1) As to all street improvements:

(b) The streets and roads shall be designed and constructed in accordance with the specifications of the Virginia Department of Transportation and the specifications of these regulations and the Facilities Standards Manual (FSM).

Proposed Modification Request:

Permit construction of private streets, access easements, and alleys in accordance with the proposed modifications to the FSM standards.

Applicant Justification:

A primary goal of the Town Center design is to provide a pedestrian-friendly environment. Modifications to the FSM are proposed to permit a reduction in the overall scale of the

horizontal geometry of streets within the Town Center that is one of several strategies to be employed to “calm” or slow down traffic within the Town Center, particularly on Dulles Center Boulevard. **This modification improves upon existing regulation by supporting private streets which could then be developed under local standards that can better support a more pedestrian-friendly street design.**

Staff Review:

Again, this modification is intended to facilitate the privation of Dulles Center Boulevard and allow for additional private streets within the Urban Center. This provision essentially removes the requirements that such streets conform to standards established by the Virginia Department of Transportation (VDOT). VDOT has reviewed the proposal and offers no objection. Consequently, Staff can support this modification.

Modification #29: Section 4.330(B). Private Roadway Standards. Category A Roadways. Table 1.

4.330. Private Roadway Standards.

(B) Category A Roadways

Lane Width for Type A1-A5 roadways.

Proposed Modification Request:

Permit all Category A roadways to have a minimum lane width of eleven feet (11') to allow for traffic calming techniques within the Town Center. Lane widths excluding parking shall be measured from the face of curb to face of curb.

Applicant Justification:

Narrower lane widths slow traffic and are part of a street design strategy that can better accommodate pedestrians than larger, higher speed roads. Urban Center policies and the PD-TC district both are written to support more walkable communities. **This modification exceeds the public purpose by being more consistent with planning and zoning goals for this site and providing for a pedestrian-friendly street design.**

Staff Review:

Staff notes that the proposed modification constitutes a waiver of the Facility Standards Manual (FSM) standards. FSM waivers are more appropriately submitted at the time of site plan. Notwithstanding, Staff notes that the FSM defines roadway width based upon the traffic volume. Though the Traffic Impact Study does include trip generation and Levels of Service (LOS) analysis, analysis of roadway capacity versus anticipated volume for particular segments is not included. This information is provided at the time of the Construction Plans and Profiles (CPAP) for a roadway. **Consequently, this modification is premature and should be withdrawn.**

Modification #30: Section 4.400(B)(2). Parking Geometric Standards. Geometrics.

4.400. Parking Geometric Standards.

(B) Geometrics.

- (2) Aisle widths for standard car parking spaces shall be provided in accordance with the following: 90 degrees – 22 feet; 60 degrees – 20 feet; and 45 degrees – 18 feet. A minimum aisle width of 25 feet shall be maintained adjacent to buildings. The minimum travel aisle width is 18 feet. Travelway aisle width shall be measured from the face of curb if there is no parking and from the back of the parking space where there is parking.

Proposed Modification Request:

Permit a minimum aisle width of twenty-two feet (22') adjacent to buildings within the Town Center.

Applicant Justification:

Narrower lane widths slow traffic and are part of an efficient approach to parking lot design. Urban Center policies and the PD-TC district both are written to make pedestrian circulation more dominant and to support more walkable communities. **This modification improves upon existing regulations by being more consistent with planning and zoning goals for this site and providing for extremely efficient parking designs and moderating the width of parking aisles adjacent to buildings.**

Staff Review:

Again, the proposed modification constitutes a waiver of the Facility Standards Manual (FSM) standards. FSM waivers are more appropriately submitted at the time of site plan where adequate engineering data is available to determine whether the waiver should be permitted. **As such, this modification is premature and should be withdrawn.**

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(E) of the Revised 1993 Zoning Ordinance states, "...if the application is for reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give a reasonable consideration to the following matters..."

- (1) *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

The proposed PD-TC (Planned Development – Town Center) and PD-OP (Planned Development – Office Park) zoning designations are appropriate to effectively administer the Urban Center and Keynote Employment policies as articulated in the Revised General Plan. The vision of the Urban Center as an intense, well designed mixed-use community is mirrored in the design standards and use requirements noted in the PD-TC district regulations. In like

manner, the office and employment uses noted in the PD-OP district are consistent with the Plan's vision for Keynote Employment. Notwithstanding, Staff notes that the land use mix proposed for both are not consistent with that anticipated by the Plan, notably deficient in the percentage of civic uses proposed.

(2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.

The Route 28 / Route 7 and areas surrounding the Dulles Town Center Mall remain dynamic with the construction of additional residential, office, and retail uses. Route 28 has been converted to limited access adjacent to the site with the opening of the Nokes Boulevard interchange. Requests for Special Exception and Zoning Map Amendment recently approved or under consideration include Kincora, Paragon Park, Newton School, and amendments to University Center. Area proximate to the application continues to evolve with a mix of uses, emphasizing non-residential employment. The application under consideration proposes an evolution for Dulles Town Center, consistent with that envisioned for the Urban Center by the Revised General Plan, into a mixed-use center that is in keeping with these changing conditions.

(3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

Permitted land uses in the immediate vicinity include a mix of multi-family and single-family (attached and detached) residential as well as large-scale commercial retail and services uses, many of which currently exist. Existing and proposed land uses include the following: the Dulles Town Center Mall located south and east of the site adjacent to Land Bays TC-2 and CC-1; multi-Family residential (i.e. Remington Apartments) east of the site and adjacent to Land Bays TC-2 and TC-3; single-family attached (i.e. Colonnades) east of the site opposite City Center Boulevard; and single-Family detached residential (i.e. Countryside) and an assisted living / congregate care facility (i.e. Sunrise Assisted Living Center) located north of the site opposite Route 7. Acreage to the west of the site is vacant but is proposed as the mix-used Kincora community (ZMAP 2008-0021). The proposed town center, an intense, mixed-use community, is compatible with the regional mall and related destination retail uses; the two can be described as complimentary and synergistic. The proposed office uses in land bays OP-1, OP-2, and OP-3 are a natural and logical continuation of the existing Class A office building. Conversely, staff is cognizant of the fact that a town center of the intensity proposed may not be compatible with the single-family homes that characterize the Countryside community. As such, staff views the Applicant's proposal for a predominantly single use residential land bay (TC-3) as reasonable, provided it is low rise and built to an urban form, as opposed to the large-scale office that would otherwise be anticipated adjacent to Route 7. To ensure further compatibility, staff has recommended firm commitments to the placement of residential uses adjacent to Hadley's Park with height restrictions of five stories or less to maintain compatibility to the Remington Apartments. Both the commitment to residential uses adjacent to Hadley's Park and the height restrictions remain outstanding issues.

(4) Whether adequate utility, sewer, and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

Water, sewer, and other utilities are available to the site and contain excess capacity to accommodate the development program proposed. Transportation facilities to facilitate vehicular traffic are in place, and much of the infrastructure to accommodate Dulles Town Center was constructed as part of a Community Development Authority (CDA) associated with the approved Dulles Town Center Mall. Enhancements to the local roadway network to include additional turn and through lanes, as noted by the Traffic Impact study as necessary to achieve the stated Levels of Service (LOS), as well as commitments to signalization remain outstanding issues. Multi-modal facilities proposed as part of this application include the construction of a Mass Transit Facility as well as an expansion of the existing pedestrian network, currently limited and disconnected. School facilities exist, and students residing in Dulles Town Center will attend the Potomac Falls cluster. Capacity concerns within this cluster may necessitate modification in school attendance boundaries to assign students to schools with available capacity (i.e. the Park View High School cluster).

(5) The effect of the proposed rezoning on the county's ground water supply.

The property will be served by public water and sanitary sewer, and as such, no ground water impacts are anticipated from water or sewage disposal.

(6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.

Mitigation of any impacts to the structural capacity of the soils will be mitigated by appropriate engineering methods consistent with the Facilities Standards Manual (FSM). Further evaluation of such measures will be completed at the time of administrative site plan review for each respective building and/or zoning permit request.

(7) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

Much of the transportation infrastructure has been constructed to its ultimate configuration, including Atlantic Boulevard, Nokes Boulevard, Dulles Center Boulevard, and City Center Boulevard. Notwithstanding, the construction of additional turn and through lanes to local roadways (i.e. Majestic, Drive, Kent Drive, etc.) and the signalization of intersections, including proffered commitments to the installation of traffic signals included as part of ZMAP 1990-0014 but not included in the current proffers, will be necessary to realize the anticipated Level of Service (LOS) assumed by the Traffic Impact Study.

(8) Whether a reasonably viable economic use of the subject property exists under the current zoning.

Yes, a reasonably viable economic use of the property can be achieved under the current zoning as evidenced by the construction of an existing Class A Office Building, the Courtyard by Marriot hotel, and the Remington Apartments. This being said, the Revised General Plan recognizes the Urban Center will experience "continual cycles of change" and "evolve through

phasing in response to changes... in business and housing needs." As such, the proposed application may be reasonable if it can be demonstrated the intent of the plan applicable to the Urban Center is being realized. Incorporation of mass transit facilities, integration of a mixture of uses within a vertical context, design that embraces an urban form, among others, improve upon the horizontal development program currently approved for the site.

(9) The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.

The site applicable to this rezoning is vacant and unimproved with a number of natural features that include a perennial stream, wetlands, and tree stands. Wetlands and tree stands will be impacted, and the core of the Urban Center will necessitate a modification of the minor flood plain as well as a reduction of the management buffer. In addition, the perennial stream empties into an existing stormwater management pond located in Land Bay OP-2 before flowing to the Broad Run. This pond is not functioning per its approved design and has not been properly maintained resulting in detrimental impacts to water quality.

(10) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.

As this area is designated by the Revised General Plan as the Urban Center and further designated as suitable for Keynote Employment uses, economic development activities and the inclusion of employment related land uses are paramount considerations. Route 7 and Route 28 are two of the County's premier employment corridors, and to leverage the site's location at the convergence of the two, firm commitments should be made which provide assurance that the economic potential will be realized. As such, minimum intensities of employment related land uses and minimum heights for office buildings are both identified as outstanding issues. In addition, to ensure there are no detrimental impacts to the Route 28 Tax District, a buy-out of the residential uses should be included which, again, has been identified as an outstanding issue.

(11) Whether the proposed rezoning considers the needs of agriculture, industry, and business in future growth.

The approved ZMAP 1990-0014 provides for 3.38 million square feet of non-residential uses. The addition of residential and/or commercial retail uses should not be considered in lieu of this existing entitlement nor should they be allowed to dilute the employment potential of the site. Commercial retail and residential uses in a mixed-use environment should be considered in balanced proportions and should be realized in such a way that they become complimentary to the office. Consequently, staff has recommended the Applicant commit to a minimum 0.5 Floor Area Ratio (FAR) for non-residential office uses in land bay TC-1 to ensure not net loss of employment related uses from that provided by ZMAP 1990-0014. Further provisions for agricultural uses are not applicable.

(12) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.

Dulles Town Center proposes a mix of uses to include large-scale office, commercial retail, and residential. Office uses are predominant and reflect the site's location adjacent to Route 28 and Route 7. This mix of uses provides land for various uses and will further serve to solidify the role of Dulles Town Center as an economic engine for Loudoun County.

(13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.

Dulles Town Center has evolved into an important hub for the region with a concentration of destination retail uses, including an enclosed regional mall and a Class A Office building adjacent to Route 28. The proposed rezoning will expand and enhance this existing development pattern and allow for realization of the highest and best use of land consistent with that envisioned by the Revised General Plan.

(14) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the County and the capacity of existing and/or planned public facilities and infrastructure.

The application proposes to provide a mixed-use environment to support employment related land uses. As such, it will help position the Urban Center and Loudoun County as a dynamic and innovative location in the region.

(15) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.

This rezoning does not propose any commitments to affordable housing above that required by the Revised 1993 Zoning Ordinance. Staff further notes that many of the residential structures, mid-rise and/or high-rise buildings located in the Urban Center, will be exempt from the Ordinance. Adopted Board policy anticipates residential applications will include provisions for unmet housing needs across a broad segment of the County's income spectrum. At a minimum, the Applicant should provide 6.25 percent of the total residential units proposed (77 units) as either affordable dwelling units or for unmet housing needs for citizens 0 -100% of the County's Area Median Income (AMI).

(16) The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.

The most prominent historic feature located on-site is the remains of the historic Vestals Gap Road located in Land Bay OP-2, the associated acreage of which will be preserved and dedicated to the County as Vestals Gap Park II. In addition, the remains of an early to mid 20th century farm complex were noted in Land Bay OP-2. Further evaluation determined this site did not warrant inclusion into National Register of Historic Places as numerous sites of this vintage are replicated throughout the County. As noted previously, this rezoning will impact areas of existing tree stands, wetlands, and a perennial stream.

Section 6-1310 of the Loudoun County Zoning Ordinance states "In considering a Special Exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or Special Exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

(A) Whether the proposed Special Exception is consistent with the Comprehensive Plan.

The proposed hotel/motel use is proposed in Land Bays OP-2 and OP-3, an area designated by the Revised General Plan as suitable for Keynote Employment uses. The automotive service station is proposed in Land Bay CC-1, an area being reviewed by Staff pursuant to the Destination Retail policies noted in the Countywide Retail Policy Plan Amendment (Retail Plan). Both the hotel/motel and the automotive service station are considered commercial retail and services uses. Commercial retail and services uses are anticipated as part of the Land Use Mix for Keynote Employment, provided they do not exceed ten-percent (10%) of the land area. Staff can support hotel/motel in Keynote Employment if the land area of the use does not exceed 11.51 acres. A condition of approval to this effect has been included for consideration. Conversely, Destination Retail does allow free-standing retail, but the use must be a single tenant over 50,000 square feet. At 4,300 square feet, the automotive service station does not meet the minimum square footage anticipated and is not consistent with the Retail Plan.

(B) Whether the proposed Special Exception will adequately provide for safety from fire hazards and have effective measures of fire control.

Both the automotive service station and the hotel/motel use would be constructed to comply with all applicable fire safety and building requirements.

(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.

No additional noise other than that anticipated from automotive travel is anticipated. Uses surrounding the sites include both existing and proposed retail and service as well as large-scale office. These uses are compatible to the automotive service station and the hotel/motel.

(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.

Conditions of approval have been included requiring lightning to be cutoff and fully shielded, directed inward and downward, such that no negative impacts to adjoining properties are anticipated.

(E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.

Existing uses on adjacent parcels include the Courtyard by Marriot hotel, a Class A Office Building (i.e. Harris Building), the Dulles Town Center regional mall, and a number of retail pad sites. Proposed uses include expansions of the same. The automotive service station

and the hotel/motel uses, both commercial retail uses, are consistent with and compatible to these existing and proposed uses.

(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.

The Applicant has proposed modifications associated with the concurrent ZMAP 2007-0001 to reduce the required yards surrounding the automotive service station. To mitigate the impacts of this reduction and to screen the proposed use, enhanced buffering should be considered. The hotel/motel will be located in Land Bays OP-2 and OP-3. Given the compatibility of the proposed use to the proposed large-scale office also proposed in OP-2 and OP-3, additional screening and buffering is not warranted. Nonetheless, Staff notes that extensive Tree Conservation Areas are proposed within Land Bay OP-2.

(G) Whether the proposed Special Exception will result in the preservation of any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.

The historic Vestals Gap Road traverses Land Bay OP-2 and is located proximate to areas proposed for the hotel/motel use. As part of ZMAP 2007-0001, the Applicant has committed to shift the development area of OP-2 to avoid disturbance of the roadbed and has further proffered to dedicate acreage inclusive of the road to the County for use as a public park. Land Bays OP-3 and CC-1, also proposed as a location for the hotel/motel and the automotive service station, are vacant and devoid of any natural, scenic, archaeological, or historic features of significant importance.

(H) Whether the proposed Special Exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.

Extensive tree stands are located within Land Bay OP-2 and will be impacted by the proposed Special Exception area for the hotel/motel use. Staff notes that Tree Conservation Areas are also proposed within the same land bay as part of ZMAP 2007-0001 outside of the Special Exception Area. Land Bays OP-3 and CC-1, also proposed as a location for the hotel/motel and the automotive service station, are vacant and devoid of existing vegetation.

(I) Whether the proposed Special Exception at the specified location will contribute to or promote the welfare or convenience of the public.

The proposed automotive service station and the hotel/motel uses will provide commercial retail services proximate to an area that has emerged as a primary shopping and employment hub for the County. The proximity of these uses to such will contribute to and promote the welfare and convenience of the public.

(J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.

Roadways serving both uses include Atlantic Boulevard, Majestic Drive, Dulles Center Boulevard, and the Dulles Town Circle ring road, all of which have been built to their ultimate

configuration. Staff notes that the intersection of Atlantic Boulevard and Majestic Drive / Century Boulevard will necessitate signalization to accommodate the 750,000 square feet of non-residential uses, inclusive of the hotel/motel use, proposed as part of Land Bay OP-3. The automotive service station should have no adverse impact on the roadway network. Pedestrian connections throughout the Dulles Town Center property have been proposed as part of ZMAP 2007-0001. The location and size of pedestrian connections, notably a proposed eight-foot (8') shared use trail along Atlantic Boulevard, are outstanding issues with that application.

(K) Whether, in the case of existing structures proposed to be converted to uses requiring a Special Exception, the structures meet all code requirements of Loudoun County.

The proposed site is undeveloped, and as such, this provision is not applicable.

(L) Whether the proposed Special Exception will be served adequately by essential public facilities and services.

The proposed uses will be served by public utilities, including water and sewer.

(M) The effect of the proposed Special Exception on groundwater supply.

This site will be served by all utilities and will include stormwater management facilities. No effect on the groundwater supply can be anticipated.

(N) Whether the proposed use will affect the structural capacity of the soils.

Construction of the proposed uses will be built pursuant to standards established by the Facilities Standards Manual (FSM) such that no detrimental impacts to the structural capacity of the soils is anticipated.

(O) Whether the proposed use will negatively impact orderly and safe road development and transportation.

The proposed automotive service station is proposed as part of Land Bay CC-1 and will be accessible via Dulles Town Circle ring road via Atlantic Boulevard. Both routes are built to their ultimate capacity and can accommodate the trips generated with no adverse impact to Level of Service (LOS). The hotel/motel uses will be located in Land Bays OP-1 and OP-3. Land Bay OP-3 is bounded by Majestic Drive, Atlantic Boulevard, and Atlantic Boulevard. All three routes have been built to their ultimate configurations. Staff notes that the intersection of Atlantic Boulevard and Majestic Drive / Century Boulevard will necessitate signalization to accommodate the 750,000 square feet of non-residential uses, inclusive of the hotel/motel use, proposed as part of Land Bay OP-3. This intersection will require signalization, and it has not been demonstrated that the lane configuration can accommodate the development program proposed.

(P) Whether the proposed Special Exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.

As commercial retail and service uses, the proposed automotive service station and hotel/motel will provide employment opportunities for citizens within the Sterling and Ashburn communities. In like manner, the uses will enlarge the Loudoun County tax base and contribute to the Route 28 Tax District.

(Q) Whether the proposed Special Exception considers the needs of agriculture, industry, and businesses in future growth.

The proposed automotive service station and the hotel/motel, commercial retail and services uses, will compliment the existing and proposed Class A Office space adjacent to the site. These uses will serve as amenities and further enhancing the needs of the business community.

(R) Whether adequate on and off-site infrastructure is available.

Public utilities, including water and sewer, have been extended and are available for the proposed uses.

(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.

No odors are anticipated from the proposed sites.

(T) Whether the proposed Special Exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.

Existing and proposed commercial retail and office uses adjoin both the proposed automotive service station and the proposed hotel/motel uses on all sides. No schools or existing neighborhoods are proximate, and no impacts to such are anticipated.

VI. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
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c. Building and Development, Proffer Review	A-125
d. Building and Development, Plans Review	A-133
e. Building and Development, ERT	A-137
f. Office of Transportation Services (OTS)	A-159
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2. Disclosure of Real Parties in Interest	A-347
3. Applicant's Statement of Justification	
a. Statement of Justification	A-371
b. Proposed Modifications with Justification	A-397
c. Hotel SPEX – Statement of Justification	A-411
d. Automotive Service Station SPEX – Statement of Justification	A-417
4. Applicant's Response to Referral Agency Comments	A-423
5. Proffer Statement	A-633
a. Exhibit A: Concept Development Plan / Special Exception Plat	Attached
b. Exhibit B: Zoning Ordinance & Facility Standards Manual Modification	A-677
c. Exhibit C: Design Guidelines	Attached
d. Exhibit D: Route 7 / City Center Blvd Intersection Improvements	A-697
6. Building Massing Exhibit	A-699

NOTE: Attachments are available electronically, and may be viewed at the Planning Department Front Counter or in the Building & Development File Room.